

Sen. Oelslager said he and many members of the committee are still unsure what direction they would like to see the bill go, whether that entails the way it's written, or with some or all of the recommendations made by Sen. Matt Huffman (R-Lima). (See Gongwer Ohio Report, June 26, 2018)

"We also want to make sure that the interested parties have a chance to keep talking," he said after the meeting. "It's a very complicated issue. We want to make sure there's a balance between the person offering the loan and the person taking out the loan."

Sen. Skindell's move came after Nick Bourke, director of consumer finance for the Pew Charitable Trusts, asked senators to advance the proposal as written.

"I urge this committee to take a vote," he said. "Vote on HB123 as passed by the House. Or make a few sensible amendments to HB123 as we've discussed and vote on that. Even if it fails, we will know where this process stands."

Mr. Bourke, who has testified several times on the measure, told the committee they have three options in front of them: an overhaul of regulations such as HB123, the complete elimination of high-interest lending, and the status quo.

The proposals from Sen. Huffman, he said, would preserve the status quo.

"It is not reform because it does not solve the problems for consumers and it would cost the small number of payday lenders who enjoy the status quo today virtually nothing," he said.

Sen. Oelslager asked if the proposal is worse than the current law for lenders, and Mr. Bourke said it would have no change.

Mr. Bourke also said lawmakers could propose to ban high-interest loans entirely.

Sen. Bill Coley (R-Liberty Twp.) said the 2008 regulation constituted an attempt to ban high-interest loans.

"Ten years ago, when the legislature and then the voters of Ohio dealt with the legislation, that was a ban bill in the state of Ohio," he said. "Is the House-passed version of HB123 a ban bill?"

Mr. Bourke said it's a reform effort and would still allow companies to operate.

"I've spoken with companies that used to operate in Ohio before 2008 that left Ohio because they did not want to operate in a loophole," he said.

The panel also heard from Ashish Gandhi, owner of Cash Plus Silverton, who praised Sen. Huffman's plan.

"I believe that Senator Huffman's plan was very well thought out and mathematically intelligent," he wrote. "He was magically able to give all sides what they were asking for. His plan lowers the APR that critics insisted on. His plan lowers the daily cost of a loan to less than a cheap cup of coffee at a gas station. His plan allows for a plethora of options for both consumers and businesses."

The original version of the legislation is "extreme, poorly written and not workable," he said.

Sen. Huffman's plan is not exactly what the industry would have wanted, but would allow businesses to stay in place, he said.

Prosecutors Praise Beefed Up Parole Monitoring Bill

A bill to revise parole monitoring procedures has the potential to save lives, members of a Senate panel were told Wednesday.

The legislation (SB 202) is named after Reagan Tokes, who was murdered by Brian Golsby shortly after his release from prison.

Lou Tobin, executive director of the Ohio Prosecuting Attorneys Association, said the legislation "will fill the gaps in the way the state manages offenders who are released from prison."

Among the bill's provisions, it would create reentry programs to ensure that those released from prison are not homeless and require restrictions to be placed on those who are on post-release control and fitted with GPS monitoring devices.

It would also require the state to create a database of GPS data that would be available to law enforcement officials when investigating crimes. Another portion of the legislation would focus on ensuring parole officer caseloads are not too large.

"Brian Golsby was released into homelessness and with a GPS monitor that did not establish zones within which he was allowed to move," Mr. Tobin told members of the Senate Government Oversight & Reform Committee. "It was subsequently discovered he committed at least six violent robberies, prior to his encounter with Reagan, all while being 'monitored.' The state must do more to address the circumstances that led to this."

William Parker of the American Court & Drug Testing Services said GPS monitors are essentially useless without guidelines and restrictions.

"GPS technology can do much, much more than simply provide the current location of someone wearing the ankle bracelet. Using easily programmable curfews, inclusion and exclusion zones and daily schedules, the technology can alert us immediately if the defendant is not where they are supposed to be when they are supposed to be there," he said.

"The technology can alert us immediately if the defendant moves into a neighborhood where his or her presence represents a threat to a person or community. It can notify us immediately if the defendant removes the bracelet or fails to charge the bracelet. But, the effective use of this technology requires more than satellites, cellular signals and computer applications."

Phyllis Carlson-Riehm of the ACTION OHIO Coalition For Battered Women also provided written testimony in support of the measure.

"We all know that Ohio's prisons are full to overflowing and the costs are enormous," she wrote. "We all know that prison reforms are long overdue to reduce the number of non-violent inmates and move them into meaningful community corrections programs and rehabilitated lives."

"But at the same time we must not fail to strengthen Ohio laws to hold violent repeat felons responsible for the multiple crimes that they commit and stop the needless human tragedies that are happening to many Ohio families."

Companion legislation (HB 365) - that also deals with indeterminate sentencing - cleared the House earlier this month. (See Gongwer Ohio Report, June 20, 2018)

Senate Releases Session Calendar

The Senate could hold full sessions as many as 14 days during the second half of the year, according to a schedule released by Senate President Larry Obhof (R-Medina) on Wednesday.

The calendar sets if-needed sessions for July 10 and August 22. Three potential session dates are set for September.

Nine possible dates are scheduled for November and December, which would represent the chamber's post-election session.

The House has yet to release its schedule for July through December.

All session dates are available in Gongwer's full legislative schedule, where the meetings can be synced with Outlook calendars.

Governor's Appointments

Opportunities for Ohioans with Disabilities Council: Kimberly S. Monachino of Twinsburg for a term beginning June 27, 2018, and ending June 1, 2019 and Margie Hegg of Upper Arlington for a term beginning June 27, 2018, and ending June 1, 2020.

Supplemental Agency Calendar

Thursday, June 28

Business Gateway Steering Committee, 30 East Broad Street, Room 2925, Columbus, 1 p.m.

Supplemental Event Planner

Friday, August 3

Sen. Sandra Williams (D-Cleveland) fundraiser, FOP Hall, 2249 Payne Ave., Cleveland, 5 p.m., (\$200 (table); \$20 (friend) to Friends of Sandra Williams)

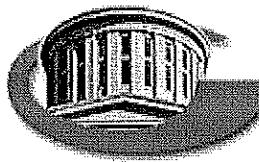
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Click the  after a bill number to create a saved search and email alert for that bill.

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House Activity for Wednesday, June 27, 2018

PASSED

SB CRIMINAL LAWS (Eklund, J., Tavares, C.) To modify criminal sentencing and corrections law by **66** including the promotion of effective rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting pre-trial diversion and intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation; to extend the State Highway Patrol's authority to enforce criminal laws to also apply to the Northeast Ohio Correctional Center; to modify the penalty for an employer's failure to remit state income taxes withheld from an employee; and to authorize the conveyance of state-owned real estate.

84-2 (Edwards, Schaffer) (Amended)

[Gongwer Coverage](#)

SB FIREARMS (Terhar, L.) To waive the concealed carry license fee for active members of the armed forces **81** and retired and honorably discharged veterans, to accept military experience with firearms as proof of competency with firearms regardless of when the applicant for a license acquired the experience, to permit a licensee to renew a concealed handgun license at any time before the expiration of the license, and to require the Attorney General to monitor the number of license fees waived and cap the total amount allowed to be waived at \$1.5 million.

76-6

[Gongwer Coverage](#)

SB WASTE COLLECTION VEHICLES (LaRose, E.) To require motor vehicle operators to take certain **127** actions upon approaching a stationary waste collection vehicle collecting refuse on a roadside.

84-0

[Gongwer Coverage](#)

SB SCHOOL REGULATIONS (Huffman, M.) To enact the "Ohio Public School Deregulation Act" regarding **216** the administration of preschool and primary and secondary education programs, to add the territory of **217** Summit County to the Stark State College District, and to prescribe procedures for appointing the board of trustees of the combined technical college district.

60-32 (Amended)

[Gongwer Coverage](#)

SB CYBERSECURITY (Hackett, B., Bacon, K.) To provide a legal safe harbor to covered entities that implement a specified cybersecurity program, to allow transactions recorded by blockchain technology under the Uniform Electronic Transactions Act, and to alter the definition of "key employee" under the Casino Gaming Law.

62-21 (Earlier REPORTED-AMENDED)

[Gongwer Coverage](#)

SB AGENCY RULEMAKING (Uecker, J.) To reform agency rule-making and legislative review thereof.

221

73-19 (Earlier REPORTED-AMENDED)

[Gongwer Coverage](#)

SB REGIONAL GOVERNMENT COUNCILS (Dolan, M.) To modify the law concerning regional councils of governments to clarify that a municipal corporation eligible to designate a tourism development district

may designate more than one district, to specify that the American Law Institute's approved "Restatement of the Law, Liability Insurance" does not constitute the public policy of Ohio, to designate a portion of U.S. Route 33 in Meigs County as the "Steve Story Memorial Highway," to designate a portion of Interstate Route 270 in Franklin County as the "Officers Anthony Morelli and Eric Joering Memorial Highway," and to designate the portion of U.S. Route 24 in Henry County as the "Henry County Veterans Highway."

88-0

[Gongwer Coverage](#)

SB WATER IMPROVEMENTS (Gardner, R., O'Brien, S.) To credit additional amounts of the Local

299Government Fund to fund public safety services in areas that experienced a 30% or more decrease in the

taxable value of certain power plants between 2016 and 2017, to phase out the payments over ten years, to increase the appropriation to the Local Government Fund; to support broadband development; to establish the OhioCorps Pilot Project; and to make appropriations, including appropriations for the protection and preservation of Lake Erie and the National Guard Scholarship Program.

88-0 (Amended)

[Gongwer Coverage](#)

HB MEDICAL PROVIDER IMMUNITY (Cupp, R.) To grant qualified civil immunity to certain medical

7 providers and emergency medical technicians who provide emergency medical services as a result of a disaster and through its duration; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to permit access to peer review committee documents during authorized inspections by the Director of Health while preserving their confidentiality; and to clarify the definition of "medical claim."

71-16

[Gongwer Coverage](#)

HB MARRIAGE CEREMONIES (Vitale, N.) To provide that an ordained or licensed minister or religious society is not required to solemnize a marriage and a religious society is not required to allow any building or property of the religious society to be used to host a marriage ceremony if the marriage does not conform to the ordained or licensed minister's or religious society's sincerely held religious beliefs, to provide that an ordained or licensed minister or religious society is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to an ordained or licensed minister or religious society for such a denial.

59-29 (Amended)

Gongwer Coverage

HB PUBLIC INDECENCY (Schaffer, T.) To require an offender who knowingly commits the offense of public indecency under certain circumstances involving exposure of private parts likely to be viewed by minors and for the purpose of sexual arousal or gratification to register as a Tier I sex offender/child-victim offender if the judge orders registration.

80-0

Gongwer Coverage

HB KINSHIP CAREGIVERS (Boyd, J., Rezabek, J.) To require a region-based kinship care navigator program, and to make an appropriation.

82-0

Gongwer Coverage

HB VISION CARE INSURANCE (Schuring, K.) Regarding limitations imposed by health insurers on vision care services.

75-2 (Hambley & Romanchuk)

Gongwer Coverage

HB HOME INSPECTORS (Hughes, J.) To require the licensure of home inspectors, to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors, and to require realtors who recommend home inspectors to provide a list of home inspectors

74-6

Gongwer Coverage

HB MONTH DESIGNATION (Barnes, J.) To enact the "Respect Your Date Act" to designate the month of April as "Respect Your Date Month" and to require each state institution of higher education to adopt a policy regarding dating violence, domestic violence, sexual assault, stalking, and rape on campus and to declare an emergency.

Bill: 77-0; Emergency: 75-6

Gongwer Coverage

HB POLICE ANIMALS (LaTourette, S.) To increase the penalty for assaulting a police dog or horse and to include search and rescue dogs and horses in the prohibition against assaulting or harassing a police animal.

69-11

[Gongwer Coverage](#)**HBSEXTING** (Hill, B., Rezabek, J.) To generally prohibit sexting by a person under 19 years of age.**355**

85-0

[Gongwer Coverage](#)**HBCREDIT FREEZES** (Henne, M., Kelly, B.) To modify the fees that a credit reporting agency can charge in relation to a credit report freeze.

82-2

[Gongwer Coverage](#)**HBBODY CAMERAS** (Antani, N., Craig, H.) To provide that specified portions of peace officers' body-worn camera recordings and the infrastructure record of a public school are not public records for purposes of the

Public Records Law.

88-0

[Gongwer Coverage](#)**HBSTUDENT EXPRESSION** (Ginter, T., LaTourette, S.) Regarding student religious expression and to entitle the act the "Ohio Student Religious Liberties Act of 2018."

62-20

[Gongwer Coverage](#)**HTAX CREDIT** (Schuring, K., Patton, T.) To authorize a nonrefundable insurance company tax credit for contributions of capital to transformational mixed use development projects.

78-0

[Gongwer Coverage](#)**HBDRUG PRICE INFORMATION** (Lipps, S., West, T.) Regarding pharmacy benefit managers, pharmacists, and the disclosure to patients of drug price information.

75-0

[Gongwer Coverage](#)**HBMULTI-PARCEL AUCTIONS** (Hill, B.) To establish requirements governing multi-parcel auctions.**480**

72-0

[Gongwer Coverage](#)**HBPRIVATE IMAGES** (Rogers, J., Manning, N.) To prohibit the nonconsensual dissemination of private sexual images, to require that certain property involved in the offense be criminally forfeited, and to create certain legal rights and protections of a victim of the offense.

81-0

Gongwer Coverage**HB TOWNSHIP LAWS (Carfagna, R.)** To make various changes to township law.**500**

■ 81-0

Gongwer Coverage**HB YOUTH SUICIDE (Anielski, M.)** With regard to educator inservice training on youth suicide awareness
502 and prevention in public schools.

■

82-0

Gongwer Coverage**HB MARRIAGE AGE (Lanese, L., Rogers, J.)** To make changes to the laws governing the ages at which
511 persons may marry.

■

78-0

Gongwer Coverage**HB TEACHER EVALUATIONS (Gavarone, T., Manning, N.)** With regard to teacher evaluations.**540**

■ 84-0

Gongwer Coverage**HB COUNTY PROSECUTORS (Perales, R., Hambley, S.)** To allow a county prosecuting attorney to enter into
543 a contract with a regional airport authority, port authority, or regional planning commission to be its legal
■ adviser.

79-0

Gongwer Coverage**HB RETIREMENT CREDIT (Scherer, G., Howse, S.)** Regarding Public Employees Retirement System
572 service credit for services as a nonteaching school employee of a county board of developmental disabilities.

■

80-0

Gongwer Coverage**HB PROBATE LAW (Cupp, R., Rezabek, J.)** Relative to procedures for a testator to file a declaratory judgment
595 action to declare the validity of a will prior to death and the settlor of a trust to file such an action to declare
■ its validity, exceptions to antilapse provisions in class gifts in wills and trusts, incorporation of a written trust
into a will, trusts for a minor, arbitration of trust disputes, the creation of county and multicounty
guardianship services boards, the coroner's disposition of person dying of suspicious or unusual death, an
application for the release of medical records and medical billing records, and adding involuntary
manslaughter not resulting from a felony vehicular homicide offense to the list of offenses excluding an
individual from inheriting from a decedent.

78-0

Gongwer Coverage**HOUSE CONCURS IN SENATE AMENDMENTS**

HB SPECIAL ELECTIONS (Pelanda, D., Rutherford, W.) To eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances; to authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers, to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices; and to require that, upon request, county auditors, municipal fiscal officers, and their employees must share lodging tax return information with the directors of convention and visitors' bureaus operating in their counties.

67-22

Gongwer Coverage

HB COMMUNITY SCHOOLS (Roegner, K.) Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of the enrollment records of a community school, to clarify the time period within which a school district emergency levy or substitute levy may be renewed or replaced, to clarify the responsibilities of a school district treasurer regarding the signing or executing of certain documents, to require the State Board of Education to adopt standards for learning management software for internet- and computer-based community schools, regarding qualification for state payments by internet- or computer-based community schools, regarding joint health and medical insurance programs by political subdivisions and county boards of developmental disabilities, regarding submission of five-year financial forecasts by public schools, and regarding the moratorium on certain provisions affecting community schools and school districts whose enrollments were affected due to enrolling students of a suspended e-school.

70-22

Gongwer Coverage

HB OUTDOOR DINING AREAS (Lanese, L.) To generally allow an owner, keeper, or harborer of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation.

79-10

Gongwer Coverage

HB POLITICAL SUBDIVISION SPENDING (Schuring, K., Greenspan, D.) To regulate the use of credit cards and debit cards by political subdivisions, to modify the duties and powers of the Auditor of State, to specify that electronic submission of a public record request entitles the requestor to damages if the public office fails to comply with the Public Records Act, to make changes to the law governing financial planning and supervision commissions, and to authorize a property tax abatement for certain property subject to a submerged land lease and held by a municipal corporation.

91-0

Gongwer Coverage

HB SCHOOL RESOURCE OFFICERS (Patterson, J., LaTourette, S.) To define the necessary qualifications and responsibilities of school resource officers, to require the Facilities Construction Commission to study and report on school building security upgrades and to make an appropriation.

69-20

Gongwer Coverage

HBLICENSE FEES (Barnes, J., Greenspan, D.) To prohibit the imposition of driver's license and temporary **336** instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative.

84-6

[Gongwer Coverage](#)

HBROAD NAMING (Kelly, B., Dever, J.) To designate multiple memorial highways.

347

91-0

[Gongwer Coverage](#)

CONFERENCE REPORT ADOPTED

SBDRUG OFFENSES (LaRose, E.) To increase penalties for drug trafficking violations, drug possession **1** violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl- related compound, except for drug possession violations when the fentanyl-related compound is combined with marihuana or a Schedule III, IV, or V controlled substance and the offender did not know of the fentanyl content; to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse; and to add lisdexamfetamine to the list of schedule II controlled substances.

59-10

[Gongwer Coverage](#)

HOUSE SPEAKER'S APPOINTMENTS

Community & Family Advancement Committee: Remove Rep. Brinkman, appoint Rep. Greenspan

COMMITTEE HEARINGS

Agriculture & Rural Development

HB PET FOOD (Lanese, L.) To prohibit pet food from containing remains from an animal that was euthanized **560** by the use of any drug injected intravenously or through another nonvascular route or remains from any dog or cat. (CONTINUED; 1st Hearing-Sponsor)

Rep. Laura Lanese (R-Grove City) said her measure "will provide pet owners some assurance that their pet food does not contain the remains of other cats and dogs and that it does not contain pentobarbital, the drug used to euthanize cats and dogs."

The sponsor referred to news stories in recent years about tainted pet food and noted the FDA had recalled products after pentobarbital, which is used by veterinarians to euthanize cats, dogs and horses, was found in the samples from an Ohio-based pet food company.

Rep. Lanese said current state law doesn't sufficiently cover the products that rendering plants sell to pet food manufacturers. "Under current Ohio law, a commercial feed is adulterated if it bears or contains any poisonous or deleterious substance that may render it injurious to animal or human health, except that when the substance is not an added substance. Since the drug is not added during processing, the feed may not be considered an added substance and therefore permissible," she said.

"Most pet owners do not want to feed their family dog or cat the remains of other dogs and cats. Even if a consumer actively tries to make an informed decision by reading the label, terms like animal meal and meat meal make it hard to decipher what exactly is in our pet's food," the sponsor said. "Guardrails to ensure that our pets are not eating other pets and ingesting euthanasia drugs is one small token we can offer consumers, especially since pet food companies are denying they are part of the pet food they sell."

Responding to a question from Rep. Michael Sheehy (D-Oregon), the sponsor said there are federal regulations regarding pet food content but the lack of any legal actions underscore the need for Ohio to take action and tighten its oversight.

Several members had questions about testing for the drug, and Rep. Lanese told Rep. Darrell Kick (R-Loudonville) that imposing such costs on rendering plants would likely lead to extensive pushback.

She told Rep. John Patterson (D-Jefferson) she was unsure how many rendering plants existed in the state. "There's very little oversight of this industry," she said, adding the bill would only apply to Ohio plants.

Rep. Keith Faber (R-Celina) said he applauded the concept of the bill but questioned whether the oversight should be left to the free market, such as pet food makers putting testing labels on their products.

HB AMUSEMENT RIDES (Hughes, J., Patterson, J.) To revise the laws governing amusement ride operation and safety, to designate this act as "Tyler's Law," and to declare an emergency. (**CONTINUED (See separate story)**; 1st Hearing-Sponsor)

Insurance

HB DEATH BENEFITS (Hughes, J.) To revise the payments that surviving family members receive from the Ohio Public Safety Officers Death Benefit Fund and to permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state. (**CONTINUED (No testimony)**; 3rd Hearing-Opponent)

Chair Rep. Tom Brinkman (R-Cincinnati) said the committee received a fiscal note detailing the bill's estimated costs. He said an amendment is being drafted in regard to a similar bill pending in the Senate.

SB HEALTH PLAN CLAIMS (Huffman, M.) To require health plan issuers to release certain claim information to group plan policyholders. (**CONTINUED; 1st Hearing-Sponsor**)

Sen. Matt Huffman (R-Lima) said the bill would give employers more information about claims made under their health insurance coverage while protecting information that details which individuals and dependents are receiving care.

That information will give small employers more data they can use to shop for coverage from insurers, he said. Without that information, small businesses are often left to renew coverage and accept rate increases proposed by insurers.

Claims information that would be shared with employers wouldn't include any personal information, and he said the release of that redacted data isn't prohibited by federal law.

The result would spur more competition in the insurance market, potentially leading to lower prices, he said.

Rep. Wes Retherford (R-Hamilton) asked if there would be any cases where the release of information could be denied.

Mr. Huffman said the bill directs the release of non-identifiable claims information about all people covered under a company's policy.

Rep. George Lang (R-West Chester) said his initial reaction to the proposal is that if an employer is paying an insurance bill, it should have access to claims information.

Responding to Rep. Michael Henne (R-Clayton), Sen. Huffman said the bill is targeted to employers with between 50 and 100 employees, and indicated that leaders of smaller companies might already be aware of health conditions that their employees have.

Rep. Glenn Holmes (R-McDonald) questioned whether the sponsor would be willing to consider redacting pharmaceutical information, indicating that having knowledge of drug use could create ethical issues for those who make decisions about employee coverage.

Government Accountability & Oversight

SB CYBERSECURITY (Hackett, B., Bacon, K.) To provide a legal safe harbor to covered entities that 220 implement a specified cybersecurity program. (**REPORTED-AMENDED (No testimony)**; 3rd Hearing-All 221 testimony-Possible amendments & vote)

An amendment offered by Rep. Kathleen Clyde (D-Kent) to replace the phrase "reasonable compliance" with "actual compliance" was tabled in an 8-2 vote, with Rep. Bernadine Kent (D-Columbus) joining all the Republicans present in the vote, as she would do throughout the committee meeting after recently being exiled from the House Democratic Caucus.

In explaining her motion to table, Rep. Dorothy Pelanda (D-Marysville) said actual compliance could be a difficult bar for small businesses to clear.

"Reasonable compliance was arrived at after several interested party meetings and discussions with those people," she said.

Another failed amendment proposed by Rep. Clyde would have allowed a person whose private information is compromised to request the attorney general's office bring legal action. If it does not, the person would be able to bring legal action on behalf of the state and split the recovery.

An amendment offered by Rep. Bill Seitz (R-Cincinnati) that would allow owners of casinos with less than a 5% stake to avoid licensing requirements was added to the bill. He said the current law that requires licensing for anyone owning as little as 1% is unworkable for a publicly traded company.

Rep. Clyde questioned how the amendment does not run afoul of the single-subject rule.

Rep. Seitz responded the subject matter of the bill is commerce.

"I can't see anybody filing a lawsuit over this because it is simply common sense," he said.

An amendment offered by chairman Rep. Lou Blessing (R-Cincinnati) pertaining to blockchain technology e-signatures was also attached to the measure.

SB AGENCY RULEMAKING (Uecker, J.) To reform agency rule-making and legislative review thereof. 221 (**REPORTED-AMENDED (No testimony)**; 4th Hearing-All testimony-Possible amendments & vote)

A clarifying amendment offered by Rep. Blessing to make the language in the measure more consistent with the rest of the section was accepted without objection.

Two Democratic amendments - both offered by Rep. Brigid Kelly (D-Cincinnati) - were tabled.

The first would have removed language allowing a business to challenge an agency rule based on adverse impact. Rep. Kelly called the language "overly broad."

"I think the main thrust is really to just avoid harming business," Rep. Blessing said.

The other would have removed language allowing a business to contest a rule outside of the regular review period.

SB NOTARY PUBLIC (Huffman, M., Wilson, S.) To enact the Notary Public Modernization Act. 263 (**CONTINUED (No testimony)**; 3rd Hearing-All testimony)

Subscribers Note: For full testimony see the [committee's website](#) under June 26.

Health

HB OPIOID MEDICATIONS (Edwards, J.) Regarding addiction treatment and opioid prescribing by 167 physicians and dentists. (**REPORTED**; 3rd Hearing-All testimony-Possible vote)

The measure was reported unanimously.

Rep. Emilia Sykes (D-Akron) said a constituent with chronic pain raised concerns about the limitations in the initial draft of the proposal and said it could hinder patients' ability to get treatment.

Sponsor Rep. Jay Edwards (R-Nelsonville) said those provisions have been removed from the bill, which now focuses on ensuring patients have access to medication-assisted treatment if a prescriber is unavailable. "I got a lot of the same calls," he said.

HB PRESCRIBING AUTHORITY (Seitz, B., Gavarone, T.) To authorize certain psychologists to prescribe 326 psychotropic and other drugs for the treatment of drug addiction and mental illness. (**CONTINUED (No testimony)**; 6th Hearing-Possible substitute & amendments)

HB TELEMEDICINE (Patton, T.) To prohibit health benefit plans from treating telemedicine services 546 differently from in-person health care services solely because they are provided as telemedicine services. (**CONTINUED**; 4th Hearing-All testimony-Possible vote)

Jimelle Rumberg, executive director of the Ohio Foot and Ankle Medical Association, said the measure would enhance physicians' efforts to provide quality, cost-effective care by allowing the care delivery system to evolve through telemedicine.

"As employers and insurers continue to drive consumers to high-deductible insurance plans that require more patient out-of-pocket requirements, telemedicine and its ability to provide quality care for lower prices could help consumers better manage their out-of-pocket requirements that are mandated by these high-deductible plans," she said.

She disputed claims that the legislation would mandate the use of telemedicine by insurers or health plans, saying it only creates a "payment parity" between in-person and telemedicine services.

"HB546 simply says that payment discrimination to a provider cannot take place solely based on the fact that the service is provided via telemedicine," she wrote. "Insurers and health plans still would have utilization management tools they may use to regulate telemedicine services and HB546 does not infringe on those capabilities."

Miranda Motter, president and CEO of the Ohio Association of Health Plans, said in written testimony that the proposal constitutes a statutory mandate for coverage of telehealth, which could stifle innovation and limit the technology's ability to be a tool to drive down costs.

"Telehealth should not be used to increase health care costs for consumers, employers and the state as the payer for Medicaid and the State Employees Health Plan," she wrote. "As a result, Ohio's health care consumers should not have to pay for 'bricks and mortar' infrastructure, facility fees and other types of fees hospitals and doctors charge for in-person services."

HB CHILD IMMUNIZATIONS (Gonzales, A., Landis, A.) To make changes to the law governing 559 immunization of children enrolled in school, preschool programs, and day-care programs. (**CONTINUED-SUBSTITUTE**; 4th Hearing-Possible substitute & amendments)

The panel accepted a substitute version that removes the requirement that the Department of Health publish immunization rates by school building and makes other changes, said Rep. Theresa Gavarone (R-Bowling Green). (Comp Doc)

The school building change stemmed from concerns that it could lead to shaming and might allow specific students to be identified, she said.

The new version retains provisions about school-level reporting to ODH and clarifies that information from private and parochial schools is not to be posted on the department's website, she said.

Rep. Gavarone said the new version expands the eligible documents to include a copy of the child's immunization record and allows the provider to submit a form for parents seeking a non-medical exemption. It also delays implementation until the 2021 school year.

The committee received written testimony from Donna Kazee, president of Ohio Advocates for Medical Freedom, who urged committee members to pay more attention to concerns from opponents.

Ms. Kazee raised concerns about the tracking of vaccination and exemption status and the public posting of data, and about the insertion of a third party into the exemption process against the parent's choosing.

"These and other parents should not be forced to receive education and information when they are declining for religious/conscience reasons, which have nothing to do with medical information," she said.

She also suggested more details of the required form be standardized, raising concerns that it could include statements such as that they are placing their child and others in danger by not vaccinating.

"We encourage and are happy to assist with further discussion about both standardized form contents and responsibility and determination of standardized risk and benefit information," she said.

HBMENTAL HEALTH (Barnes, J.) To require the Department of Mental Health and Addiction Services to ~~677~~ operate a demonstration program under which a mental health trauma center is established as part of a county hospital located in Cuyahoga County. (CONTINUED; 1st Hearing-Sponsor & proponent)

Sponsor Rep. John Barnes (D-Cleveland) said it would require a mental health trauma center to be established through a demonstration program at a county hospital in Cuyahoga County.

"In the state of Ohio, we have a crisis of mental health issues, and largely our government has been reactive to the problem," he said.

The proposal is intended to get out in front of the issue by improving access to mental health services, particularly short-term services, he said.

The sponsor said he hoped to work out the details of the proposal over the summer.

HBSTEP THERAPY (Johnson, T., Antonio, N.) To adopt requirements related to step therapy protocols ~~72~~ implemented by health plan issuers and the Department of Medicaid. (CONTINUED-SUBSTITUTE; 6th Hearing-Possible substitute)

The committee accepted a substitute version that Rep. Terry Johnson (R-McDermott) said made a variety of changes. (Fiscal Note)

The new version replaces the terms "based on medical necessity" and "medically appropriate" with "consistent with medical and scientific evidence," he said. It also reduces the exemptions to four and modifies them. It now exempts a patient when the medication is contra-indicated or will likely cause an adverse reaction or physical or mental harm, as opposed to previously just if it is contra-indicated, he said.

The substitute version also makes changes to the appeals process, he said.

Civil Justice

HB HUMANE SOCIETIES (Hambley, S.) To make changes to humane society law and to make humane

147 society agents subject to bribery law. (REPORTED; 4th Hearing-All testimony-Possible vote)

Corey Roscoe, Ohio state director for the Humane Society, submitted interested party testimony in which she said concerns remain that the regulations proposed "can create overdue burdens and unintentionally make it harder for humane societies to perform their volunteer law enforcement duties."

"One prominent concern of the bill is to require non-prosecution requirements entered in by humane society-appointed prosecutors be approved by a judge but not required for all prosecutors and cases prosecuted under 959," Ms. Roscoe wrote. "The law should be consistent for all prosecutors if the goal of judicial review is to serve as a check and balance."

HBDEBT COLLECTIONS (West, T.) To require creditors, prior to collecting the debt of a decedent outside of ~~615~~ probate, to explicitly inform the person from whom payment is sought that the person is under no obligation to pay the debt. (CONTINUED; 1st Hearing-Sponsor)

Due to the lateness of the committee's start, in terms of HB615, HB672 and HB694, Chair Rep. Jim Butler (R-Oakwood) said the panel would accept written sponsor testimony to constitute each bill's first hearing. Sponsors may appear before the panel at a later date to answer questions, he said.

In written testimony, Rep. Thomas West (D-Canton) urged support for his measure that aims to ensure those who have lost loved ones don't mistakenly believe they are obligated to pay the deceased's debts.

"House Bill 615 will require all creditors that have claims against an estate to inform the person from whom payment is sought, that they as an individual are under no obligation to pay the debt," the sponsor wrote. "The bill also states that failure to inform the individual is considered an unconscionable act and renders the creditor subject to legal action by the Attorney General or by the individual that was left uninformed."

HB PUBLIC RECORDS (Barnes, J.) To create a procedure by which a person may obtain a court order to ~~672~~ correct an error, omission, or legal defect in a public record, and to name the act the "Final Order Correction Act." (CONTINUED; 1st Hearing-Sponsor)

Rep. John Barnes (D-Cleveland) said in his written presentation the proposal would enable a person to file a petition in the court of common pleas to request a correction or invalidation if an error, omission or legal defect is found in a public record.

The error must personally affect the complainant, who must then file with the county where the office responsible for the record is located or where the record is kept. The office must then respond and state the basis for belief the record is accurate.

The court would then determine whether a correction or invalidation is required based on a preponderance of the evidence. "The (bill) will ensure that the constitutional right of due process is achieved," Rep. Barnes wrote.

HB CONTRACT LIMITATIONS (Lang, G.) To shorten the period of limitations for actions upon a ~~694~~ contract. (CONTINUED; 1st Hearing-Sponsor)

Rep. George Lang (R-West Chester Twp.) said in written testimony his proposal is "short but significant" in that it reduces the statute of limitations for written and oral contracts from eight and six years respectively to three years.

"As a business owner, the more certainty I can gain, the more business risks I can take," Rep. Lang said. "If I know my liability on a contract only runs for three years, I can take on different relationships. I can be certain that my current obligation will run for a time certain. This allows me to launch capital expenditures, strategically deploy capital, and to secure appropriate risk management devices."

Ohio previously had a 15-year statute on written contracts until 2012. He pointed to similar steps taken by Kentucky and other states, saying they risk putting Ohio at a competitive disadvantage.

"A significant, tangible cost savings will result for business by removing the necessity to retain eight years of documents," Rep. Lang said. "More and more, document retention is becoming a cost driver for business. Limiting the need to only three years, will remove a key burden on businesses."

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KLEIN'S PROPOSED

News Books Tracking Legislation Legislation

NEWS

Firm hired to investigate lawmaker also donated to him (Associated Press, 6/28/2018)

Ohio lawmakers look to provide online academy 'safe harbor'
(Associated Press, 6/28/2018)

Grab a beer with man's best friend: Ohio expected to allow dogs on patios (Cincinnati Enquirer, 6/28/2018)

This U.S. Supreme Court decision might have forced Ohio into 'right-to-work' (Cincinnati Enquirer, 6/28/2018)

Bone appetit: Dogs could soon be welcome at bar and restaurant patios (Cleveland Plain Dealer, 6/28/2018)

Ohio lawmakers OK \$114.5 million for new voting machines (Cleveland Plain Dealer, 6/28/2018)

Ohio legislature passes blockchain legislation (Cleveland Plain Dealer, 6/28/2018)

Ohio Senate Democrats push for payday lending vote; Republicans scramble to shut it down (Cleveland Plain Dealer, 6/28/2018)

Schools that took in ECOT kids win 'safe harbor' from penalties for bad grades (Cleveland Plain Dealer, 6/28/2018)

Sherrod Brown nabs endorsement from Ohio doctors group (Cleveland Plain Dealer, 6/28/2018)

Drug middlemen charging Ohioans triple the going rate (Columbus Dispatch, 6/28/2018)

Law firm that cleared legislator also gave him cash (Columbus Dispatch, 6/28/2018)

Ohio legislature sends package of e-school bills to Kasich (Columbus Dispatch, 6/28/2018)

Ohio legislature sends package of e-school bills to Kasich (Columbus Dispatch, 6/28/2018)

Ohio payday lenders off the hook — for now at least (Columbus Dispatch, 6/28/2018)

Sexting bill looks to give teens a break for bad choice (Columbus Dispatch, 6/28/2018)

Ohio congressman: Delay replacing Justice Kennedy till after fall election
(Dayton Daily News, 6/28/2018)

Ohio House votes to prohibit forcing churches to perform gay weddings
(Dayton Daily News, 6/28/2018)

Ohio lawmakers vote to ban sexting by anyone under 19, set up diversion program (Dayton Daily News, 6/28/2018)

Ohio lawmakers vote to end fees charged for credit freezes (Dayton Daily News, 6/28/2018)

Ohio lawmakers vote to raise marriage age after Dayton Daily News investigation (Dayton Daily News, 6/28/2018)

High court strikes down fair-share fees for public workers (Toledo Blade, 6/28/2018)

Last minute bills move in Ohio House, Senate (Toledo Blade, 6/28/2018)

State lawmakers approve Lake Erie funding bill (Toledo Blade, 6/28/2018)

Toledo abortion clinic argues state fines unwarranted (Toledo Blade, 6/28/2018)

EDITORIALS

Sarah LaTourette a rising star in Ohio House: Brent Larkin (Cleveland Plain Dealer, 6/28/2018)

Editorial: Cops in schools are helpful with appropriate guidelines (Columbus Dispatch, 6/28/2018)

Payday lending fiasco (Toledo Blade, 6/28/2018)

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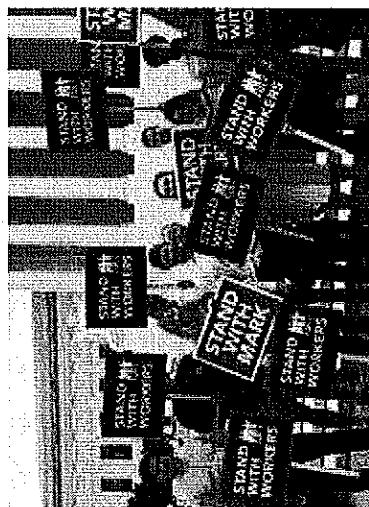
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Worker Freedom

[ALEC Statement on Janus v. AFSCME Decision](#)
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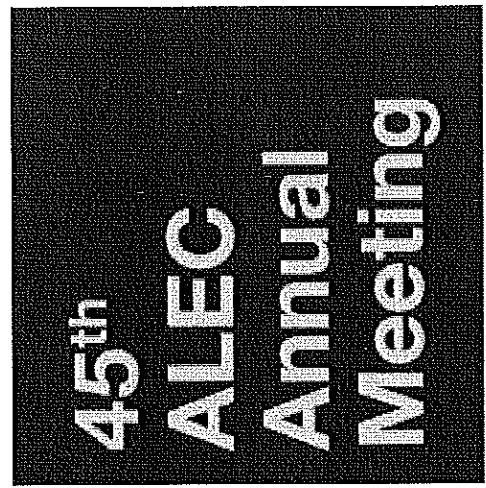


Yesterday, the Supreme Court released its decision in [Janus v. AFSCME](#), which concerns the mandatory collection of union fees. Click below to see the ALEC statement on the decision and to see why it represents a victory for free speech.

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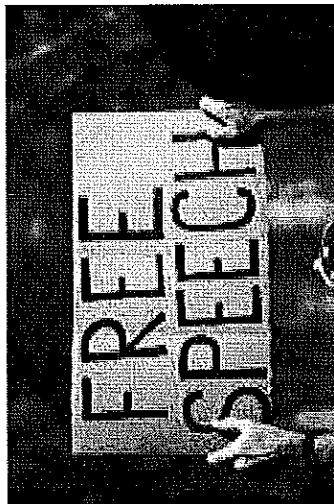


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Free Speech

ALEC-Influenced Free Speech Legislation Becomes Law in Louisiana
Corbin Robinson and Shelby Emmett | Center to Protect Free Speech



Louisiana recently took a step in the right direction to protect the First Amendment rights of individuals on public university and college campuses. Legislators wishing to follow in Louisiana's footsteps can find a positive starting point in the American Legislative Exchange Council's model policy: the [Forming Open and Robust University Minds \(FORUM\) Act](#).

[Read Article](#)

ALEC-FreedomWorks Legislator of the Week

Finding Solutions in Ohio

Rep. Bill Seitz | OH-30



This week, ALEC and Freedomworks introduce **Ohio Representative Bill Seitz** as this week's Legislator of the Week. Representative Seitz has served in both houses of the Ohio Legislature and is familiar with the issues facing his state. Of particular importance to Representative Seitz are prison overcrowding, combatting the opioid epidemic and the development of a comprehensive energy policy for Ohio.

[Read Article](#)

Supreme Court

Single Retirement May Change Balance of Power on the Supreme Court

Ronald J. Lampard | Criminal Justice



Yesterday, Justice Anthony Kennedy announced his retirement, effective July 31. With the upcoming midterm elections, both Democrats and Republicans will seek to rally their respective bases as the nomination process of Kennedy's successor moves forward.

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NEWS

[Auditor's report shows opioids impact on Medicaid \(Associated Press, 7/2/2018\)](#)

[Ohio Lawmakers Approve Lake Erie Algae Prevention Bill \(Associated Press, 7/2/2018\)](#)

[Biden in Cincy: Trump's ideology is 'aggrandizing power' \(Cincinnati Enquirer, 7/2/2018\)](#)

[Complaint: Security should not stop black, female lawmaker \(Cincinnati Enquirer, 7/2/2018\)](#)

[Ohio's Trump country is fond of this Democrat \(Cincinnati Enquirer, 7/2/2018\)](#)

First Ohio medical marijuana cultivator OK'd to grow cannabis, testing lab licenses awarded (Cleveland Plain Dealer, 7/2/2018)

Hey Washington, regular Ohioans agree on these federal budget fixes (Cleveland Plain Dealer, 7/2/2018)

Ohio's new compliant driver's licenses: What documents will you need? (Cleveland Plain Dealer, 7/2/2018)

Rep. Emilia Sykes files racism, sexism complaints with Ohio Civil Rights Commission over state building security allegations (Cleveland Plain Dealer, 7/2/2018)

Capitol Insider: Why is Ohio Medicaid defending pharmacy middlemen? (Columbus Dispatch, 7/2/2018)

Fireworks bill still up in the air as July Fourth holiday approaches (Columbus Dispatch, 7/2/2018)

Ohio teacher evaluations get an overhaul teachers like (Columbus Dispatch, 7/2/2018)

Ohio U and University of Toledo team up on health issues, including opioids (Columbus Dispatch, 7/2/2018)

Video catches Cordray dropping another Nazi reference (Columbus Dispatch, 7/2/2018)

Local child's death could spark statewide abuse registry (Dayton Daily News, 7/2/2018)

Ohio governor race: DeWine says he wants to make these changes to Ohio's early childhood programs (Dayton Daily News, 7/2/2018)

Some Ohio Democrats on ballot this year for Congress say Pelosi must go (Dayton Daily News, 7/2/2018)

2 Butler County Statehouse candidates among the state's top fundraisers since January (Journal-News, 7/2/2018)

Ohio lawmakers back bill requiring teachers to out transgender kids
(Journal-News, 7/2/2018)

Lawmakers send Clean Lake 2020 Plan to Kasich (Port Clinton News Herald, 7/2/2018)

Fireworks regulations vary by state, city (Toledo Blade, 7/2/2018)

Government, military officials in favor of Trump's nuclear bailout plan
(Toledo Blade, 7/2/2018)

Janus ruling unlikely to impact local unions, organizers say (Toledo Blade, 7/2/2018)

U.S. Rep. Marcy Kaptur to receive key to the city (Toledo Blade, 7/2/2018)

EDITORIALS

Beacon Journal/Ohio.com editorial board: Repair online charter schools?
Statehouse Republicans aren't there yet (Akron Beacon Journal, 7/2/2018)

Ohio lawmakers pass questionable legislation in 'bill-a-thon' session:
Thomas Suddes (Cleveland Plain Dealer, 7/2/2018)

Editorial: Senate payday delay hurts consumers but helps lobbyists
(Columbus Dispatch, 7/2/2018)

Sherrod Brown steps up (Toledo Blade, 7/2/2018)

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Center for Innovation and Technology: "States Make Game of Looting Video Games"

1 message

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Center for Innovation and Technology - July 3, 2018

States Make Game of Looting Video Games

From Center For Innovation and Technology VP Bartlett Cleland



Some might recall searching for "pirate treasure" in their youth, hoping to come across an abandoned gold mine brimming with wealth, or even finding a path to candy land. Some who are older search for the golden city of El Dorado, the Fountain of Youth, or the Knights Templar treasure on Oak Island. But online, for those playing video games, "loot boxes" are the sought treasure.

Loot boxes are a virtual item that may be found, or purchased, within some video games. They result in a player receiving a

fairly random assortment of items that could include armor, weapons, a cosmetic item to customize a player's "character" in the game, or other similar treasures. So, in other words, a loot box is a virtual treasure chest filled with randomized virtual loot for a person's virtual character. But these in-game bits of fun and make believe are under attack, by the same sort of people who likely oppose an un-regulated and un-taxed kid's lemonade stand.

Some state legislators have argued that loot boxes are corrupting and even introduced legislation to restrict them as they would restrict those who stand in a casino pulling the arm of a slot machine, under the mistaken impression that somehow loot boxes were gambling. In Hawaii, legislation has been proposed that would disallow all retailers, brick and mortar as well as online, from selling games to anyone under twenty-one years old if the game includes loot boxes. Other legislation there would require video game companies to publicly disclose the odds of obtaining a vorpal blade or perhaps the "Road Hog" skin in Overwatch in a loot box. And just to make sure government can gain full regulatory power, the legislation would also give the state Department of Commerce the power to audit the game code to confirm the odds.

Legislators in the state of Washington were a bit more forthright in making clear that the real goal is merely to regulate video games. The author of the bill that would require the state gambling commission to examine loot boxes says, "What the bill says is, 'Industry, state: sit down to figure out the best way to regulate this.'" In Indiana, legislation was introduced that pre-judged the outcome, requiring an examination of whether loot boxes were a form of "predatory gambling." Other states to consider the issue have been California, Minnesota and New York.

So why would any state legislature be led to believe that a fun addition to a game that is not necessary for play of the game would be gambling? Hard to say, especially as loot boxes fail the three-part federal definition of gambling. To be considered gambling something of value must be staked for a chance to win something of value. For example, loot boxes return no prize as nothing of value in the real world is given, and because of the limitations of terms of service in the games, they cannot be converted to any real-world value. So, to the extent anyone finds the contents of a loot box valuable in the game, it is of value in a make-believe game, and therefore has pretend value.

Government has a tendency to keep growing, to expand into areas never considered as a place for regulation or taxation. Or as in this case, trying to define new activities to fit into existing regulatory models. Fueled by ignorance, attempts to regulate games is akin to legislatures wanting to bring expanded government to the land of make believe.



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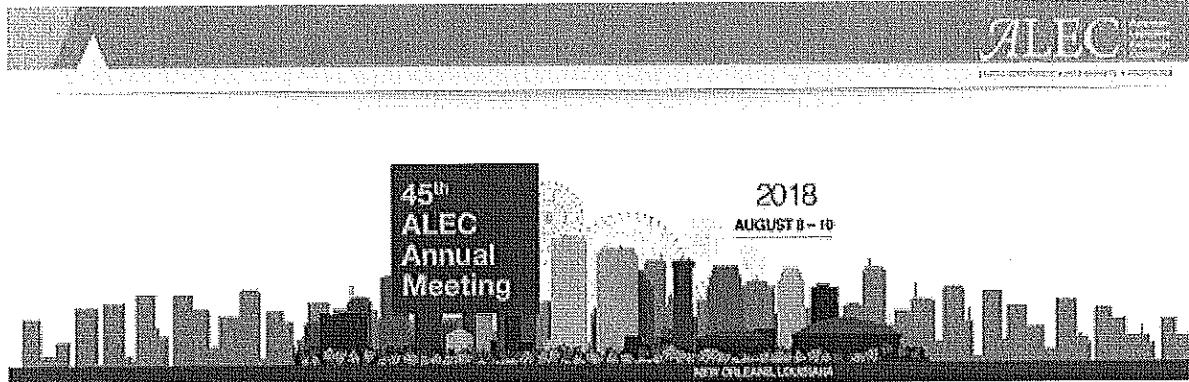
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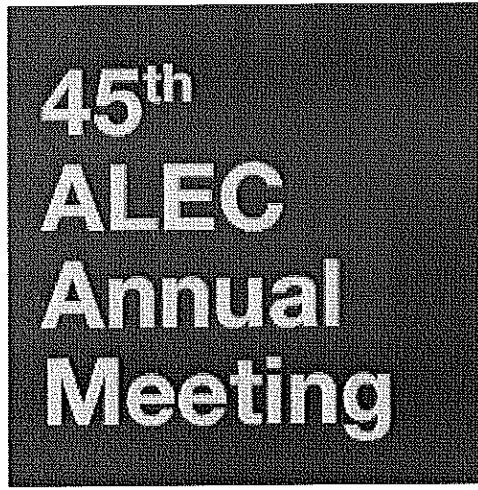


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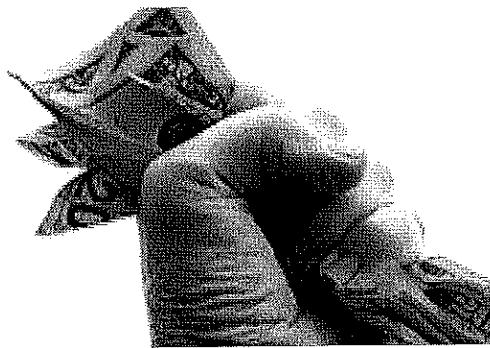
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Legislator Voices

Untangling PA's Finances Requires a Transparent State Government

Representative Seth Grove | PA-196 | [PennLive.com](#)

"Harrisburg has a problem when it comes to money. Our state government is not the most transparent in the nation...The time has come for Pennsylvania to adopt tried



and true reforms to dramatically improve its financial transparency.

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Education

Schools Should Prioritize Great Teachers over Bureaucratic Bloat

Taylor Topham and Inez Feltscher-Stepman | Education



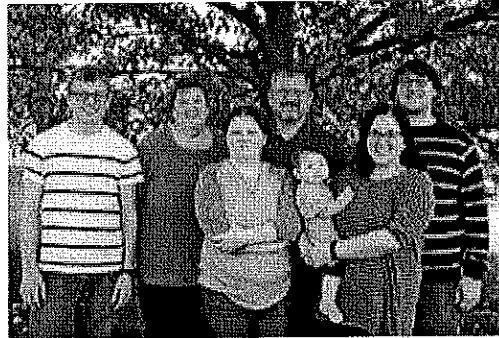
By streamlining district budgets and making sure we're rewarding effective teachers instead of multiplying bureaucrats, states and districts can retain the most crucial staff for students' achievement and learning, rather than protecting those who are failing American students.

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ALEC-FreedomWorks Legislator of the Week

Spearheading Economic Empowerment in Nebraska

Senator Laura Ebke | NE-32



This week, ALEC and Freedomworks introduce **Nebraska Senator Laura Ebke** as this week's Legislator of the Week. Senator Ebke is a native Nebraskan who cares about reducing the footprint of government in everyday life. She sees unfair occupational licensing requirements as oppositional to economic development and has worked to lessen those burdens.

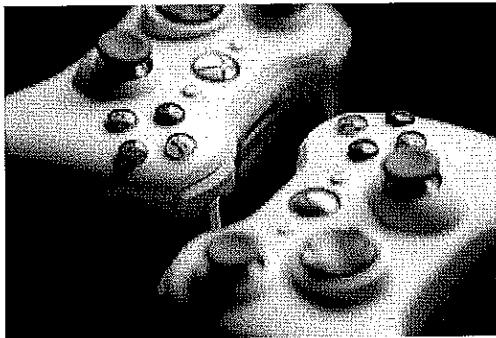
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Innovation and Technology

States Make Game of Looting Video Games

Bartlett Cleland | Center for Innovation and Technology

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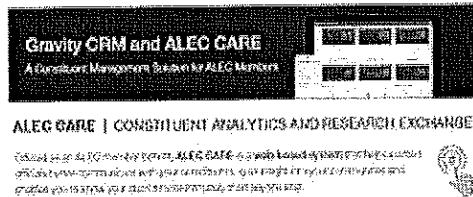


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Senate Tracker Legislation

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THURSDAY, JULY 5

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Siting Board Staff Issues Recommended Safety, Environmental Conditions For Proposed Off-Shore Turbines

Democrats Argue DeWine's ECOT Action 'Too Little, Too Late'

High Court Accepts Jurisdiction In Open Meetings Act Case

O'Connor's Latest Ad Features Kasich Voter; Becker Blasts U.S. Supreme Court; LPO Seeks Minor Party Status...

OEC Urges Steps To Tackle Algal Blooms; Portman, Brown Push Back On Dredging

Annual Short-Term Technical Certificates Top 13K; Facilities Construction Commission To Host Tech Webinar; Work Begins on OSU's Franklin County Extension Office

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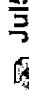
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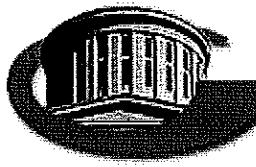
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GONGWER Ohio

The Record of Capitol Square Since 1906

Volume #87, Report #129 -- Thursday, July 5, 2018

Amendments Temper Superintendents' Victories In Education Overhaul Bill

Late additions to a measure set to make dozens of changes to the state's K-12 education system made its passage somewhat bittersweet for the school administrators who helped lead the push for the legislation.

The lower chamber last week passed the measure ([SB 216](#)) 60-32 after it gained more than a dozen amendments in committee hearings and on the House floor. The Senate concurred in the House's changes by a vote of 28-1. (See [Gongwer Ohio Report, June 27, 2018](#))

While a group of e-school reforms tacked onto the bill rankled House Democrats into opposing the measure, a number of less-debated changes displeased the school administrators who initially helped to shape the bill.

Chris Pfister, superintendent of the Waynesfield-Goshen Local School District, said he counts a floor amendment by Rep. Jeff Rezabek (R-Clayton) among the negative last-minute changes to the bill. The amendment, which was accepted by a vote of 62-28, strips language that would have prevented excused absences from being included in the state's calculation for what makes a student "excessively absent."

Under existing law, a student is "excessively absent" when he or she misses 38 or more hours in a month or 65 or more hours in a year, whether the absences are excused or not. When a student reaches either of those thresholds, the district must send a notification to the student's parents.

Mr. Pfister, who formed a steering committee of superintendents on the legislation at the request of sponsor [Sen. Matt Huffman](#) (R-Lima), said the existing law does not allow school officials to use their discretion. He said local school districts should not be penalized for absences by students who are seriously ill or keeping up with their work while dealing with difficult or unusual family situations.

"All we (requested was), just don't count valid reasons against kids, parents and school districts," he said, adding that 50% of his district's students who are considered excessively absent are on the honor roll.

Rep. Rezabek, in describing the amendment last week on the House floor, said the existing provision of state law is simply about notifying parents about their students' absences and collecting related data from school districts.

"We're trying to catch students who, whether you're excused or unexcused, you're not there," he said. "You're missing the time to learn."

Rep. Rezabek said a number of school districts attempted to "aggravate parents and rally the public" against the provision of a measure (HB410), which he sponsored in the 131st General Assembly. He said districts wrote unnecessarily "nasty letters" to parents of students who met the excessively absent threshold in the hopes of swaying the popular opinion of the law.

Rep. Rezabek said in an interview Thursday that if the change had gone through, "bad actors" among school districts simply could have excused any absence that would have led to additional intervention on the district's part. He said a small number of districts have been "purposefully creating (their) own controversy" about the letters to make the entirety of the law look bad.

"We just want to make sure the parents are notified," he said of the letters, adding that he "absolutely" would be open to improvements to the measure suggested by school districts.

Gov. John Kasich earlier this week appointed Rep. Rezabek as a juvenile court judge in Montgomery County. He is expected to resign effective July 11. (See Gongwer Ohio Report, July 2, 2018)

Among several amendments adopted in the House Education and Career Readiness Committee was one that stripped another suggestion by local school officials from SB 216.

The version of the legislation adopted by the Senate would have required students not receiving free or reduced price lunches to pay for half of their textbook costs for College Credit Plus courses they take at community colleges. By the time the measure passed the House last week, an amendment offered by Rep. Dan Ramos (D-Lorain) had removed that language from the bill.

Mr. Pfister said local school officials pushed for the change because students currently have no incentive to buy used or discounted textbooks, as local school districts are required to pick up costs related to the program.

"They can walk into the bookstore and buy a \$300 book and they don't care because it costs them absolutely nothing," he said.

Although he said many districts officials thought it was fair for students to have some skin in the game, Mr. Pfister said he also understood lawmakers' concerns that adding a cost for students to the program could prevent them from participating.

"We value College Credit Plus," he said. "I want as many of my students to get as many credits as they can."

A provision of the law allowing students to administer third-grade state achievement tests on paper instead of online counts as a win for local school administrators, Mr. Pfister said.

The superintendent said testing third-grade students on computers can be "developmentally inappropriate" and can lead to students being held back because they have not yet mastered computer skills.

"Do we want to test reading and writing or the manipulation of this technology?" he said.

Mr. Pfister said he would have liked to have seen the legislature go further in reducing restrictions that prevent districts from using teachers outside of their licensed grade bands. He said such restrictions can keep districts from putting "the best person in front of kids," but efforts to loosen them were watered down as the legislation moved forward.

Although he expressed disappointment with several changes to the bill during the legislative process, Mr. Pfister said he does view the measure as a good initial step on multiple fronts.

"Overall, everything that's in there is helpful," he said.

Kidney Dialysis, Drug Penalties Amendment Campaigns Submit Petitions To Qualify For November Ballot

A pair of campaigns backing constitutional amendments submitted petitions this week to qualify for the November ballot, with one reporting more than twice as many signatures as required.

Supporters of the Neighborhood Safety, Drug Treatment and Rehabilitation amendment reported submitting 730,031, according to the secretary of state's office. They need 305,591 of those signatures to be certified as valid in order to make the ballot.

Proponents of the other ballot issue, the Kidney Dialysis Patient Protection Amendment, submitted 472,308 signatures, according to the secretary of state's office.

County boards of elections will determine how many of the signatures are valid by July 19, and the secretary of state's office has until July 24 to certify whether the proposals qualify for the ballot, according to the state.

Backers of the kidney dialysis issue, which is being supported by the SEIU, said the effort is designed to improve patient care at dialysis clinics. (See [Gongwer Ohio Report, July 3, 2018](#))

"When talking with Ohio voters, they shared so many stories of loved ones with kidney failure being overlooked by the healthcare system," Dr. Ean Bett, a physician who supports the initiative, said in a statement. "The goal of this initiative is to protect those patients - not the profits of dialysis corporations - and that's why voters were so enthusiastic about getting this on the November ballot."

The Ohio Renal Association, meanwhile, blasted the proposal as "deceptive and unnecessary."

"This ballot issue leaves me dumbfounded and incredulous," nephrologist Dr. Chris Saunders said in a statement, "The sponsors of this amendment demonstrated an obvious lack of understanding of the needs of dialysis patients and the comprehensive set of medical protocols and regulations that already govern the delivery of dialysis in Ohio."

An estimated 18,000 Ohioans suffering from end-stage renal disease receive dialysis treatments in clinics three times a week, with each visiting taking three to four hours, the Renal Association said in a release.

The association said nine out of ten patients receive coverage from Medicare, Medicaid or other government programs. They said the proposal would require dialysis providers to issue rebates to private insurers if their revenue exceeds certain limits, but it does not require those insurers to pass savings on to patients.

"This out-of-state special interest group is proposing a constitutional amendment to lock in place an unnecessary and flawed set of regulations that will actually harm the very patients the paid petitioners say they want to protect," nephrologist Dr. Henry Wehrum said.

The "Neighborhood Safety, Drug Treatment and Rehabilitation" amendment would make significant changes to how many drug crimes are handled in the state. (See [Gongwer Ohio Report, July 2, 2018](#))

It would require all fourth- and fifth-degree felony offenses for obtaining, possessing or using drugs or drug paraphernalia to be reclassified as no higher than first-degree misdemeanors.

The issue is expected to face opposition from the state's judges, with the executive director of the Ohio Judicial Conference saying the issue is one that should be handled in legislation, not in the constitution.

Siting Board Staff Issues Recommended Safety, Environmental Conditions For Proposed Off-Shore Turbines

Staff of the Ohio Power Siting Board has submitted their recommendations for a slew of conditions they believe should be placed on a proposed off-shore wind farm in Lake Erie.

The [59-page report](#) finalized this week follows months of investigation into the proposed Project Icebreaker - a 20 megawatt, six-turbine windfarm eyed for 10 miles off Cleveland's coast. (See [Gongwer Ohio Report, March 28, 2018](#))

The report generally recommends state regulators agree with staff that the Lake Erie Energy Development Corp. has demonstrated adequate need for the project and met other steps required before final board approval.

In doing so, the report suggests 34 conditions be placed upon the project. The conditions themselves vary by subject area, encompassing topics including: ecology; safety; aviation; and air, water and solid waste. ([Docket](#))

Among proposed safety requirements are that LEEDCo: complies with turbine manufacturers' most recent safety recommendations; obtains all relevant construction and transportation permits; enters into a road use agreement

with appropriate parties prior to construction and subject to staff review; and mitigate any observed impacts to communication systems including maritime radio within seven days.

The stipulations also address potential impacts on bats and other avian wildlife - a point of contention between project backers and wildlife groups who have previously sued in an effort to halt the project. (See Gongwer Ohio Report, November 9, 2017)

The conditions would call for the project to stick to an avian and bat memorandum of understanding and require LEEDCo to submit both a fisheries and aquatic resources construction monitoring plan and an avian and bat impact mitigation plan at least 60 days prior to construction.

LEEDCo would be required to contact the Ohio Department of Natural Resources, staff and the U.S. Fish and Wildlife Service within 24 hours should it encounter a state or federally endangered species during construction or operation of the turbines. And staff is also seeking to require the corporation adopt a radar monitoring program to continually assess aviation activity.

A public hearing on the project is scheduled for July 19 in Cleveland even as written public comment from stakeholder groups and private citizens continues pouring in to the board on both sides of the issue.

Most recently, the Environmental Defense Fund urged support for the project, noting that LEEDCo had initially planned for project approval by February 2017. Since then, backers have submitted "an overwhelming amount of documentation to support its application" which EDF argues "easily meets or exceeds" the board's approval criteria.

"These projects will play a key role in reducing U.S. greenhouse gas emissions," EDF Midwest Policy Director Dick Munson wrote. "These projects take on greater importance now that the federal government may be about to misuse the Defense Production Act to provide illegal, uneconomic subsidies for old coal and gas plants."

He was referring to ongoing debate among the Trump Administration, which is considering using the law to offer new emergency financial supports to unprofitable plants. (See Gongwer Ohio Report, June 1, 2018)

Democrats Argue DeWine's ECOT Action 'Too Little, Too Late'

While Attorney General Mike DeWine contends jurisdictional and procedural hurdles have kept him from playing a leading role in the drama surrounding the now-shuttered Electronic Classroom of Tomorrow, Democratic critics Thursday claimed he could have found a way to get involved earlier.

The criticisms followed a Tuesday court filing from the AG's office, which reiterated its interest in prosecuting financial claims ECOT has against third parties, including school founder Bill Lager. The state could recover public money by pursuing civil claims of breach of fiduciary duty and violation of the state's Corrupt Practices Act and its prohibition on public officials having interests in public contracts against Mr. Lager, according to the filing. (See Gongwer Ohio Report, July 3, 2018)

Tax records show ECOT, which closed its doors in January, transferred at least \$200 million to two other firms controlled by Mr. Lager, Altair Learning Management and IQ Innovations, according to the AG's filing.

Democratic Party Chairman David Pepper in a conference call Thursday said the Republican gubernatorial candidate's move to pursue claims against Mr. Lager is "too little, too late."

"Mike DeWine should have acted ... long before ECOT became a clear political liability," he said.

Dan Tierney, spokesman for the attorney general, said the office's response to the ECOT matter has been shaped by jurisdictional and procedural constraints.

"Under Ohio law, the attorney general does not have original jurisdiction in most criminal matters," he said, citing election fraud, workers' compensation fraud and certain organized crime cases involving drug and human

trafficking among the areas in which the office does have jurisdiction.

County prosecutor's offices, he said, retain jurisdiction in the "vast majority" of criminal cases.

Earlier this year, State Auditor Dave Yost referred his office's audit of ECOT for potential criminal prosecution to the Franklin County Prosecutor's Office and the U.S. Attorney's Office after determining school officials submitted inaccurate data to the Department of Education. (See Gongwer Ohio Report, May 10, 2018)

Mr. Pepper said he thinks the jurisdictional concerns are "just an excuse." He said the attorney general's filing from earlier in the week "shows the entire state he could have gotten involved years ago."

"That particular set of facts has been painfully clear for years," he said of the ties among companies controlled by Mr. Lager.

Mr. Tierney said it's important to note the legal effort under discussion, which ECOT sponsor the Educational Service Center of Lake Erie West launched to get the court to appoint a receiver to manage and wind down operations at the Electronic Classroom of Tomorrow, began in January. The AG's office wants to pursue financial claims the shuttered school has against third parties in order to recoup taxpayer money without enlisting an outside firm that would take its own cut, he said.

"Part of the issue here is we have strong claims now that ECOT has closed that would not have been ripe prior to ECOT's closure," he said.

Mr. Tierney added AG DeWine is still waiting on approval from a Franklin County Common Pleas Court judge to move forward with potential collection actions.

"We're trying to start these proceedings as soon as we can," he said.

Rep. Tavia Galonski (D-Akron), who joined Mr. Pepper on the conference call, said she questions whether the AG could have used his authority to investigate the misuse of public funds to play a larger role in the matter. She added that she and Rep. Teresa Fedor (D-Toledo) in May requested the appointment of a special prosecutor to investigate ECOT after the audit's release.

Mr. Tierney said the AG's office does not have the authority to appoint a special prosecutor in the case without a request from the Franklin County Prosecutor's Office, which has original jurisdiction.

High Court Accepts Jurisdiction In Open Meetings Act Case

The Ohio Supreme Court has agreed to take up a case that could determine if public bodies violate the Open Meetings Act by utilizing secret ballots.

The court has accepted the appeal of Patricia Meade, who alleged the Village of Bratenahl violated the law in 2015 when its council utilized a secret ballot to elect a president pro tempore.

The election required three rounds of voting, and the ballots were reviewed only by the village's law director, according to Ms. Meade, who is the publisher of a community news publication. (Docket)

In her memorandum in support of jurisdiction, Ms. Meade cites an advisory opinion from the attorney general's office and a 2016 Ohio Supreme Court ruling in which it found a private and prearranged discussion of public business by a majority of a public body through email violates the state's open meeting laws. (See Gongwer Ohio Report, May 3, 2016)

"The OMA expressly declares that it is to be liberally construed in openness so as to require public officials to take official action and conduct all deliberations upon official business only in open meetings. In so doing, this court must conclude and declare that secret-ballot voting violates the OMA," she wrote.

Both the trial court and the Eight District Court of Appeals sided with the village in the case.

Ms. Meade said the appellate court ruling "created a standard that does not advance the purposes and goals of the OMA, but directly undermines them."

The Ohio Coalition for Open Government struck a similar tone in its amicus brief supporting jurisdiction in the case.

"If permitted to stand, the decision below will allow local governments to effectively operate in secret, impairing the public's ability to hold their representatives accountable," the group wrote. "Public knowledge of government operations is vital to the legitimacy of local governments in Ohio."

The village, however, said there is no statute or case law that spells out how a vote for president pro tempore should be conducted.

"In fact, (the law) authorizes a legislative authority of a municipal corporation to determine its own rules and in this matter, village council followed its own past practice of using a contemporaneous vote by ballot to elect president pro tempore to a one-year term," the village wrote in opposing jurisdiction in the case.

The village also contends that the secret ballots were not designed to hide public business.

"Contrary to appellant's argument, the purpose of the handwritten ballot was not (to) conceal, but rather, to vote contemporaneously," it wrote. "A contemporaneous vote by handwritten ballot assures comradeship and precludes the potential public pressure resulting from hearing the other councilmember's votes."

O'Connor's Latest Ad Features Kasich Voter; Becker Blasts U.S. Supreme Court; LPO Seeks Minor Party Status...

Democrat Danny O'Connor's latest ad in his congressional bid seeks to bolster his standing with Republican voters who still back Gov. John Kasich.

In the ad, "Shannon," a Delaware woman lays out her rationale for voting for the Franklin County recorder.

"I voted for John Kasich the last three times. I voted for Trump because I didn't like the way things were going in Washington, and now I'm supporting Danny O'Connor," Shannon Ward says in the spot. "John Kasich and Danny O'Connor both don't worry about the labels of Democrat or Republican; they're going to get things done either way."

Janus Decision: Rep. John Becker (R-Union Twp.), a proponent of right-to-work laws, praised the U.S. Supreme Court's recent decision in *Janus* in which it found that non-union workers cannot be forced to pay fees to public sector unions.

However, he also blasted the court for legislating from the bench.

"The good news is that we now have public sector right-to-work across the United States. The bad news is that the little kings in black robes continue to overstep their constitutional authority by forcing their opinions down the throats of the rest of us," he said in a statement.

"The U.S. Constitution does not give the Supreme Court of the United States the authority to rule over the entire nation. Rather, they are only superior to the lower courts. Nor does the U.S. Constitution grant the Supreme Court veto power over legislation, also known as judicial review. These are powers that the justices of the court have granted to themselves."

Minor Party: The Libertarian Party of Ohio is seeking to regain its minor party status.

The group recently submitted 102,762 signatures to Secretary of State Jon Husted to do just that. A total of 54,964 valid petition signatures are needed to achieve the designation.

The party plans to announce a slate of 2018 candidates on July 14.

GM Investment: Mahoning Valley lawmakers are urging General Motors to reinvest in the area.

The call comes after the company announced that it would lay off second shift employees at its Lordstown plant.

In a letter to CEO Mary Barra, the lawmakers urge her to reconsider the decision.

"The Valley wants to continue to support GM. As this great American company evolves to meet the demands of the future, the workers at Lordstown want to evolve with the company they have devoted themselves to," they wrote. "There is a will to double down and train the current workforce for the jobs of tomorrow. Our workers and our communities want to continue to be a partner in a mutually beneficial relationship with GM."

The letter was signed by Rep. Job Boccieri (D-Alliance), Rep. Glenn Holmes (D-McDonald), Rep. Michele Lepore-Hagan (D-Youngstown), Rep. Michael O'Brien (D-Warren), Sen. Joe Schiavoni (D-Boardman) and Sen. Sean O'Brien (D-Bazetta).

Immigration Rally: More than 400 people rallied Thursday at the Statehouse to protest President Donald Trump's policy of separating parents from children at the border.

Community Development for All People, the Ohio Hispanic Coalition and the Children's Defense Fund Ohio sponsored the event.

OEC Urges Steps To Tackle Algal Blooms; Portman, Brown Push Back On Dredging

The Ohio Environmental Council is continuing to press for state-level action as algal blooms continue to grow in several parts of Lake Erie.

At the same time, Ohio's senators are pressing for protections against toxic dredging in the lake in a pending federal funding bill.

The debate over how to best tackle runoff fueling those blooms continues as lawmakers and Gov. John Kasich each mull respective legislative or executive action. (See Gongwer Ohio Report, July 2, 2018)

OEC Water Resources Director Peter Bucher said in a statement that recent high temperatures create the "perfect scenario for harmful algal blooms to occur earlier than normal."

"These blooms have already caused water advisories for beaches in northeastern Ohio and will likely disrupt recreation and tourism going forward over the summer," Mr. Bucher said.

"This problem isn't getting better and it won't simply go away," he said. "Wastewater treatment plants across Ohio need to be updated, and comprehensive nutrient management plans should be required in order to reduce agricultural runoff, or these blooms will remain an annual occurrence, and potentially worsen over time."

Dredging: U.S. Sen. Rob Portman (R-Terrace Park) and U.S. Sen. Sherrod Brown (D-Cleveland) secured their proposal to shield Lake Erie from dredging activity in a funding bill headed for the House.

The language is included in the Energy and Water Appropriations Act and would prohibit the Army Corps of Engineers from dumping toxic dredged material from the Cuyahoga River into the lake without the state's approval.

The provision, however, must clear hurdles in the House where representatives are tasked with reconciling their proposals with those of the Senate.

"The Cleveland Harbor project is vital to all of Ohio and we must ensure that the dredged material is not inappropriately disposed of by dumping it in Lake Erie without approval by the Ohio EPA," Sen. Portman said. "I will continue (to) use every tool available to make sure both the City of Cleveland's water supply and Lake Erie's ecosystem is protected."

Added Sen. Brown: "Lake Erie is a source of pride for Ohio - it's important for local businesses, local jobs, and the local ecosystem. This language will help us keep Lake Erie clean, keep the channel open for business, and ensure the Lake remains a viable resource for generations to come."

Annual Short-Term Technical Certificates Top 13K; Facilities Construction Commission To Host Tech Webinar; Work Begins on OSU's Franklin County Extension Office

The Department of Higher Education announced 13,403 students earned short-term technical certificates from postsecondary education entities in the state in fiscal year 2017.

The state's community colleges and universities awarded 6,307 of the certificates during the year, while technical centers awarded the remaining 7,096, according to data from the ODHE.

Students earn the credentials by completing study programs of less than 30 credit hours or 900 clock hours in preparation for licensure and careers in fields such as nursing, firefighting and welding.

Tech: The Facilities Construction Commission will conduct a webinar for school administrators involved in building or renovation projects next week.

The presentation, which is titled "Everything You Need to Know About Tech in 30 Minutes," is set for 10-11 a.m. July 11.

Topics set for discussion during the presentation include augmented and virtual reality, flat panels and projectors and strategies for coordinating maintenance and security ahead of a building's opening day.

Prospective participants can register for the webinar online.

The commission also is currently accepting applications for the second round of its Lead Plumbing Fixture Replacement Assistance Grant Program.

Officials at schools built before 1990 can apply for up to \$15,000 through the program to replace drinking fountains, piping and other fixtures. Schools must seek funding through the program by the July 31 application deadline.

More information about the program can be found on the commission's website.

Extension: Ohio State University has broken ground on a 10,500-square-foot facility on the site of its Waterman Agricultural and Natural Resources Laboratory.

Kunz-Brundige Franklin County Extension Office - the first of three new buildings planned on the site - is being funded through an \$11 million donation from Patricia Brundige that also supports two Franklin County 4H educator positions.

"We envision the Kunz-Brundige Franklin County Extension Office as a hub for teaching, research and community engagement around food, health, agricultural production and sustainability," Cathann Kress, OSU's vice president for agricultural administration, said in a statement. "Thanks to the generosity of Pat Brundige, a longtime volunteer and advocate for OSU Extension, this facility will increase our engagement with the Franklin County community through educational programs and events for youth and adults."

OSU's Franklin County extension currently offers educational programs to thousands of children and adults every year, according to a news release from OSU.

E-schools: An online charter school advocacy group has requested Gov. John Kasich sign legislation containing conditional protections for schools that took in students from the Electronic Classroom of Tomorrow after it closed in January.

The Ohio eSchool Families and Friends Coalition on Thursday released a letter written by its president, Sara Donlon, urging the governor to refrain from vetoing the measure (SB 216), which the House passed last week.

"There's important language protecting public charter schools from being put at risk of closure, unfairly, simply for doing the right thing and accepting any and all ECOT students who needed a safe harbor," she wrote. "As you know, ECOT closed on a Friday and those families needed a place to go to ensure that their children's education was not interrupted. Our schools took them in under trying circumstances."

An amendment to the measure, which makes dozens of changes to the state's K-12 education system, creates a safe harbor from certain consequences, including closure, for schools that saw their enrollment grow by 10% from taking in ECOT students. The Senate later adopted amendments to another piece of legislation (HB 87) that bumped up the threshold to 20% and clarified that schools already set for closure without taking data from former ECOT students into account would not be protected by the safe harbor.

Supplemental Agency Calendar

Wednesday, July 18

Statewide Independent Living Council, Embassy Suites Columbus Airport, 2886 Airport Dr., Columbus, 10 a.m. (Committee meetings)

Thursday, July 19

Statewide Independent Living Council, Embassy Suites Columbus Airport, 2886 Airport Dr., Columbus, 1 p.m.

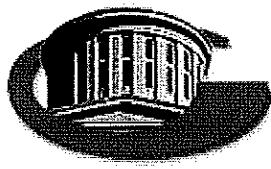
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Senate Activity for Thursday, July 5, 2018

INTRODUCED

SB 315 **POLICE REPORTS** (Yuko, K.) To prohibit law enforcement agencies from including identifying information of sexual assault victims in police reports posted online. Am. 149.436

17 S. High St., Suite 630

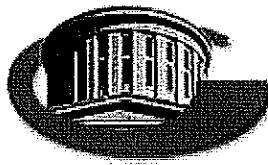
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Daily Activity Planner for Friday, July 6

Legislative Committees

No legislative committees scheduled.

Agency Calendar

No agency meetings scheduled.

Event Planner

No events scheduled.

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7/23/2018

Gmail - 'Right-to-work' group threatens to sue Ohio after Supreme Court ruling



Sarah LaTourette Kayser <latourstm@gmail.com>

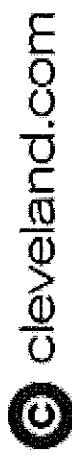
'Right-to-work' group threatens to sue Ohio after Supreme Court ruling

1 message

Capitol Letter <cleveland.com_newsletters@update.cleveland.com>
Reply-To: Capitolletter@cleveland.com
To: Latourstm@gmail.com

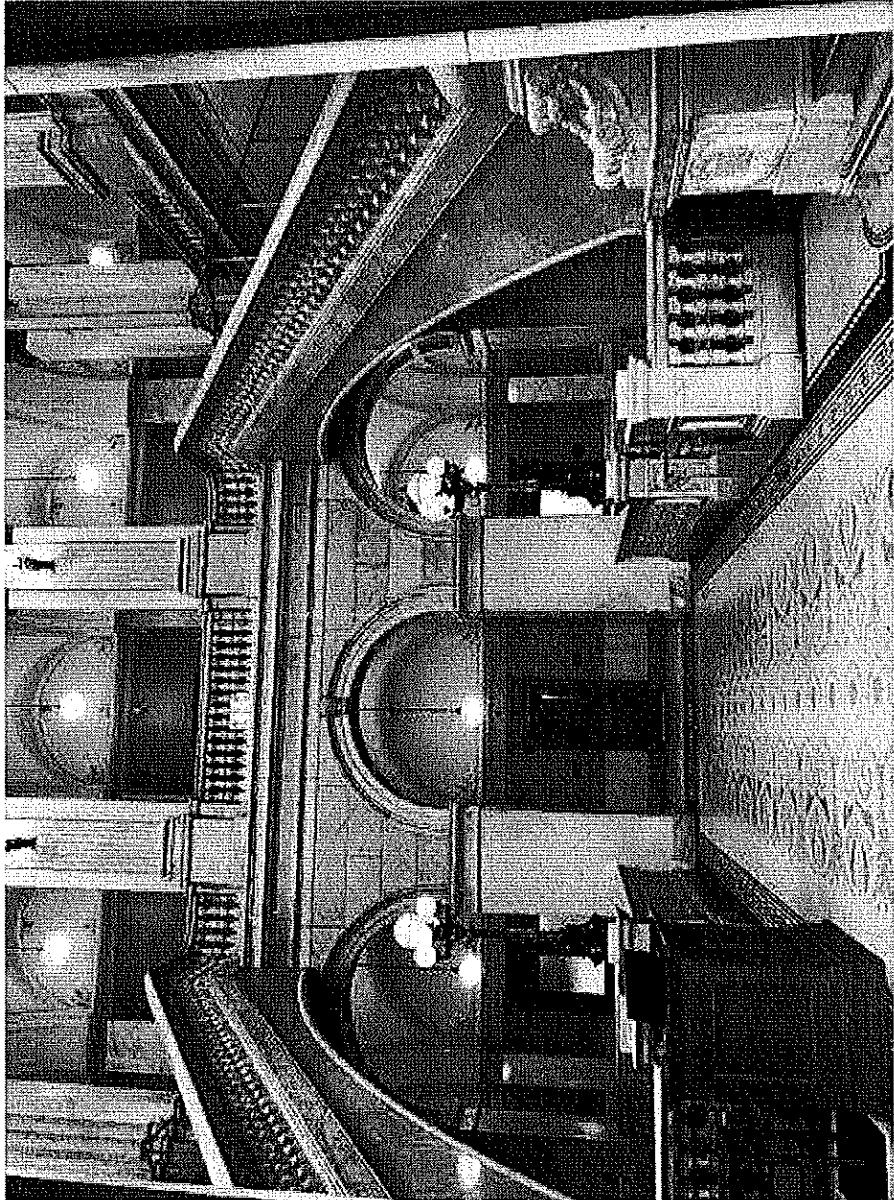
Friday, July 6, 2018

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Capitol Letter

Laura Hancock, Jeremy Pelzer & Jackie Borchardt



The west entrance of the Ohio State Building is a smaller-scale version of a famed staircase in the Paris Opera House, with Carrara marble from Italy and gold leaf on the walls. (Laura Hancock/cleveland.com)

Rotunda Rumblings

Just due it: A “right-to-work” advocacy group has threatened Ohio with a lawsuit if it doesn’t immediately stop collecting union dues from non-union state workers. But cleveland.com’s Jeremy Pelzer reports that the agency that handles payroll for state employees hasn’t taken any action so far in response to the June 27 U.S. Supreme Court decision in *Janus v. AFSCME*.

Moving forward: Supporters of a proposed November ballot issue that would set new standards for dialysis treatment and cap what for-profit clinics can charge submitted more than 475,000 signatures Wednesday, cleveland.com's Kaylee Remington reports.

Also moving forward: Supporters of the "Neighborhood Safety, Drug Treatment and Rehabilitation Amendment" also submitted more than 730,000 signatures on Wednesday in hopes of making the November ballot, cleveland.com's Jackie Borchardt writes. The proposed amendment would reduce penalties for individuals convicted of nonviolent drug and drug paraphernalia possession crimes and direct the cost savings to addiction treatment and crime victim programs. The secretary of state's office has until July 24 to certify each proposed amendment collected at least 305,591 valid signatures.

All aboard: Columbus will have Ohio's first self-driving shuttles by December, writes cleveland.com's Laura Hancock. The city, state and Ohio State University are seeking proposals for companies that can operate a shuttle service downtown.

Back from the dead? The Libertarian Party of Ohio has filed petitions this week to regain Ohio "minor-party" status for the first time since the 2014 election. As Pelzer explains, if the party can get on the ballot this year, it's likely to run Columbus filmmaker (and anti-Gov. John Kasich satirical group founder) Travis Irvine for governor.

Jordan fights back: U.S. Rep. Jim Jordan, in an interview with reporters on the Fourth of July in Fremont, Ohio, again disputed claims that he knew Ohio State wrestlers had been sexually abused by a team doctor.

Cleveland.com's Sabrina Eaton rounds up the latest in the nationally publicized story, including Jordan's assertion that an ex-wrestler making the accusations has sent him harassing emails.

Inside the Statehouse: Ohio officials laid the first cornerstone for the Ohio Statehouse 171 years ago. Cleveland.com's Laura Hancock shows the building's rich history with 16 images.

He's running: Literally. Cleveland.com's Seth Richardson caught up (no easy task) to Republlican Attorney General Mike DeWine on the Fourth of July doing one of the things he loves best: marching in parades.

Richardson has an entertaining time-lapse video of DeWine logging nearly 8,500 steps before noon. The GOP gubernatorial nominee was of course accompanied by his wife, Fran, handing out her legendary cookbook.

Where are they now? The status of about 2,300 former students from the shuttered Electronic Classroom of Tomorrow is unknown, the Associated Press reveals. Many students from the controversial online charter school transferred to other schools, but the state doesn't know what happened to the rest, the AP reports.

No reply: "Records show more than 200 courts across Ohio failed to respond to Gov. John Kasich's executive order seeking more information on their history with the national background check database used in

stopping gun-related crimes," reports Julie Carr Smyth of the AP. Those that didn't respond were mostly small mayor's courts, the report says.

Kasich, the anti-Trump: The governor is out with another op-ed, this time decrying President Donald Trump's trade war. The piece appears in the Financial Times.

Unfinished business: Ohio lawmakers sent a lot of bills to Gov. John Kasich before they took a summer break. But they left some high-profile legislation hanging, reports Carr Smyth of the Associated Press. That includes payday loan restrictions and a controversial "stand your ground" bill.

Preventive measures: The Washington Post looked at the case of the 4,000 eggs and embryos that were lost at the University Hospitals fertility center. The Post report features an interview with Ohio Sen. Joe Schiavoni who is working on a bill "he hopes will help prevent such disasters in the future and introduce penalties for fertility clinics that violate the new safeguards," Post reporter Ariana Eunjung Cha writes.

For what ailes you: If you're wondering whether your illness would qualify you for legal medicinal marijuana in Ohio, Borchardt created a handy list of medical conditions.

Full Disclosure

Five things we learned from the April 9 financial disclosure statement of

state Rep. Jeff Rezabek, a Dayton Republican who is resigning to become a Montgomery County Juvenile Court judge. Gov. John Kasich appointed him to the new post Monday.

1. Rezabek reported earning \$25,000 to \$49,999 last year as an attorney in private practice licensed in Ohio and New York. He made \$65,476 as a lawmaker, according to the Ohio Treasurer's office.
2. At some time in 2017, he owed at least \$1,000 to Nelnet, Fifth Third Bank, Day Air Credit Union, Bank of America, Credit First, N.A. and U.S. Bank. His campaign committee, Citizens for Rezabek, owed him at least \$1,000 at some point last year.
3. The Ohio House reimbursed him \$3,197.38 for mileage between home and Columbus. The Ohio Judicial Conference gave Rezabek \$173.25 for a hotel room during its annual meeting in Columbus, when he participated in a legislative panel. The Ohio House Republican Organizational Committee paid for \$133.40 in travel. The Ohio Chamber of Commerce paid for his \$69 lodging at its Policy Conference at Salt Fork in September. The Campaign for Fair Sentencing of Youth paid \$487.40 for his hotel, meals and flight to a conference last year.
4. He received an unspecified gift from Virginia Ragan, a prominent Republican donor, worth at least \$75.
5. School Choice Ohio Inc. paid \$33.66 for Rezabek to attend a "lunch and learn" session March 30, 2017. He received at least one Dayton Dragons baseball ticket last year, worth \$20.97, from the Dayton Development

Coalition. He also received \$58 in food at a Dayton Dragons game from the Dayton Area Chamber of Commerce.

Birthdays

Saturday: State Rep. John Patterson; Beth Vanderkooi, executive director of Greater Columbus Right To Life; James E. Campbell, Ohio's 38th governor (1843-1924); A. Victor Donahey, Ohio's 50th governor (1873-1946)

Straight From The Source

"I normally only give this to mediocre college football coaches."

- Toledo Mayor Wade Kapszukiewicz, while presenting a key to the city to Congresswoman Marcy Kaptur. Kapszukiewicz took some flak from Ohio State University fans and the University of Toledo earlier this year for giving a ceremonial key to University of Michigan football coach Jim Harbaugh. Harbaugh, a Toledo native, headlined an event there in May that raised \$100,000 for legal aid services.

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Sarah LaTourette Kayser <latoursm@gmail.com>

Center for State Fiscal Reform - 7/10/2018

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To: latoursm@gmail.com

Tue, Jul 10, 2018 at 12:23 PM

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ALEC On The Air

Center For State Fiscal Reform Tackling Tax Issues in the States

Center for State Fiscal Reform



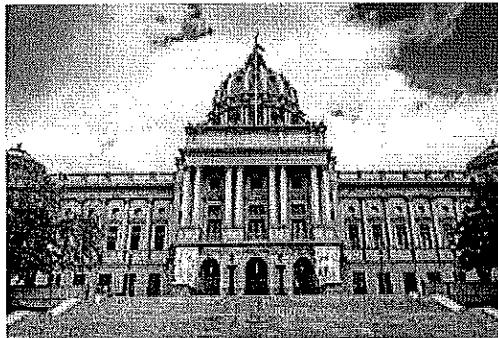
ALEC Chief Economist and VP of the Center for State Fiscal Reform **Jonathan Williams** joined Pennsylvania statewide TV program **PMA Perspective** to discuss the 11th Edition of ***Rich States, Poor States*** as well as the state of fiscal policy in Pennsylvania. Williams also joined the **Caffeinated Thoughts Podcast** to talk about economic outlook in Iowa as the Center continues to address fiscal issues at the state level.

Legislator Voices

Untangling PA's Finances Requires a Transparent State Government

Representative Seth Grove | PA-196 | PennLive.com

"Harrisburg has a problem when it comes to money. Our state government is not the most transparent in the nation; in fact, we rank below average...The time has come for Pennsylvania to adopt tried and true reforms to dramatically improve its financial transparency."

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Expert Opinion

The Governors' Encouraging Embrace of Sensible Tax Policies

Joel Griffith and Jonathan Williams | Center for State Fiscal Reform | *Governing.com*

**Henry McMaster**

@henrymcmaster

Protecting taxpayers, growing our economy, and adding good-paying jobs will always be a top priority for my office. I am proud our pro-growth, pro-taxpayer, economic policies are being recognized.

twitter.com/ALEC_states/st...

Fiscal discipline remains as important as ever; generally speaking, states with responsible spending habits, lower tax rates and fewer regulations outperform others in economic growth. It's encouraging to see so many governors endorsing market-oriented tax and fiscal policies.

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Expert Insight

Don't Believe the Hype About a Carbon Tax

Jonathan Williams and Vance Ginn | *RealClearEnergy*



Gasoline prices have been rising recently as tensions heighten in the global oil market. These increases may soon be exacerbated if some advocates of a carbon tax get their way. With its flawed assumptions and high costs, politicians should ignore the hype and just say no to a carbon tax.

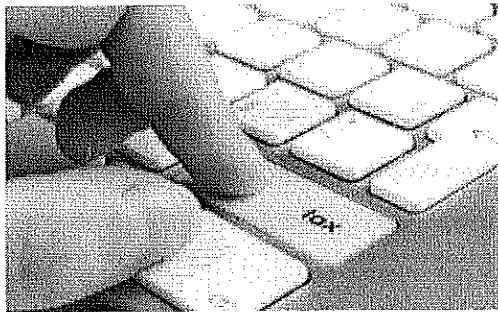
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Online Sales Tax

Online Sales Taxes Won't Solve States' Budget Problems

Jonathan Williams and Jessica Melugin | *Washington Examiner*

Today, many states are enjoying a revenue windfall from national economic growth, as well as the new revenue thanks to recent federal tax reforms. So, the big question many



are beginning to ask is: why do states need to unearth yet another revenue source?

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Sarah LaTourette Kayser <latoursm@gmail.com>

Important: 45th ALEC Annual Meeting Draft Policy Distribution

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Brooklyn Roberts <broberts@alec.org>

To: latoursm@gmail.com

Tue, Jul 10, 2018 at 4:10 PM

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Dear Health and Human Services Task Force Members,

As the 45th ALEC Annual Meeting nears, we are excited to share with you what the task force will be discussing and deliberating. Please make sure to take a look at the important 30-Day Notification materials below. Included on your Task Force's webpage are draft agendas for the subcommittees, working groups and the Task Force meeting, as well as the model policies up for Task Force consideration.

[View Agenda and Draft Policy](#)

[View All 2018 Annual Meeting Draft Policies](#)

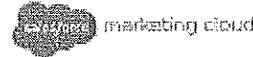
I look forward to seeing you in New Orleans at what is going to be a great conference!

Best,

Brooklyn Roberts, Director

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[Ed Board Boosts Third-Grade Reading Benchmark](#)

[Gubernatorial Hopefuls Address Infrastructure, Transportation Plans](#)

[Panel Suggests Revisions To State Report Cards](#)

[High Court: Class Action BWC Suit Seeks Legal Relief, Filed In Wrong Court](#)

Kavanaugh Nomination Leads To Strong Reaction On Both Sides

Exelon Moves To Purchase FirstEnergy Solutions

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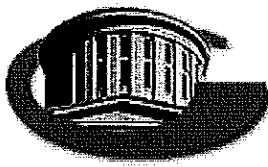
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GONGWER Ohio

The Record of Capitol Square Since 1906

Volume #87, Report #132 -- Tuesday, July 10, 2018

Lending Bill Passes Divided Senate, Awaits Final Action By House

A contentious proposal to overhaul the state's short-term lending laws passed the Senate Tuesday despite a divided Republican majority.

The chamber voted 21-9 in favor of the measure (HB 123), with the opposition coming from Republican members concerned the measure would go too far in pushing lenders out of the industry and limiting access to credit.

The passage is a major step in the long journey of the legislation, which passed the House in June and went through seven sometimes heated hearings in the Senate Finance Committee.

That committee reported the measure earlier in the day Tuesday after accepting one amendment and rejecting several others. This came a day after it went through significant changes in a substitute version designed to make it easier for lenders to stay in business. (See [Gongwer Ohio Report, July 9, 2018](#))

It now heads back to the House for that chamber's consideration of the Senate changes. The House has a pair of "if-needed" session days scheduled for September, with the other scheduled sessions set for after the November election. (See [Gongwer Ohio Report, June 28, 2018](#))

Senate [President Larry Obhof](#) (R-Medina) said after the vote that he though the measure would help provide consumer protections while still allowing people to access credit.

"I don't think people should be trapped in a debt spiral that they can't get out of. I think we all agree with that," he said. "I think the question for the people who may have voted differently is what's the right amount of involvement there to provide consumer protections but maintain credit, and I think we ended up there."

[Sen. Scott Oelslager](#) (R-N. Canton), chairman of the Finance Committee, which reviewed and updated the measure, said he felt it was a "balanced bill" and dismissed concerns no lenders would offer loans in the state.

"As long as there is a need and money to be made, there will be a lender who will be competitive and profitable," he said after the session.

Several senators spoke against the bill ahead of the vote.

"Flat out, it's just a bad idea," said [Sen. Bill Coley](#) (R-Liberty Twp.).

He said there will always be a need for short-term loans, and that the measure doesn't address that, but only serves to push out one option currently available to borrowers.

"You're not helping anyone, because you're not dealing with the fundamental demand," he said.

[Sen. Lou Terhar](#) (R-Cincinnati) said it would make it difficult for anyone with a credit score below about 600 to receive credit of any kind. He also said the prohibition on auto title loans will further reduce the ability for some people without lots of assets to borrow.

"If they have an economic asset, should they not have the choice to use that as collateral in a loan?" he said. "To effectively ban a way for somebody to use that asset violates the basic doctrine we've all been taught since we were children."

Some senators raised concerns with a provision that caps payments for loans up to 90 days at 6% of the borrower's gross monthly income, effectively setting income limits for who can obtain loans for those short terms.

"If you do the arithmetic, a loan under the bill that is paid over the course of four months will, at the end of the day, cost a heck of a lot more to the consumer than the 30-day loan will cost," Sen. John Eklund (R-Chardon) said.

Sen. Dave Burke (R-Marysville) pushed back, saying longer-term loans give borrowers more ability to pay them back than a series of escalating 30-day loans.

"I support this bill not because it is perfect, but because it is good," he said. "Lower interest rates on the poor is a good direction to go. Lower fees on the poor is a good direction to go."

Sen. Vernon Sykes (D-Akron) said the legislation is long-needed to fix a loophole left in the 2008 law to regulate payday lenders.

"All that we did in 2008 didn't help anybody," he said. "But the reason it didn't help anybody is that they found a loophole and then they didn't have to follow those regulations. They've been gouging Ohioans ever since."

"What we have before us is an elimination of the loophole, and we are making the loans more affordable," he added.

Joining Sen. Coley, Sen. Terhar and Sen. Eklund in opposition were Sen. Bob Hackett (R-London), Sen. Frank Hoagland (R-Adena), Sen. Matt Huffman (R-Lima), Sen Kris Jordan (R-Ostrander), Sen. Rob McColley (R-Napoleon) and Sen. Joe Uecker (R-Loveland).

Three members, Sen. Stephanie Kunze (R-Hilliard), Sen. Edna Brown (D-Toledo) and Sen. Michael Skindell (D-Lakewood), were absent.

The passage drew praise from advocates who had pushed for the measure, including the Pew Charitable Trusts.

"The measure passed in the Senate today is a thoughtful, bipartisan, and fair compromise that builds upon the framework of the House bill," Nick Bourke, director of consumer finance for Pew, said in a statement. "The Senate version provides lenders with more revenue than under the House's measure while maintaining strong consumer protections that would end practices that harm Ohio families."

The Ohio Consumer Lenders Association, meanwhile, blasted the vote.

"Today was a loss for the consumers of Ohio and the more than 1 million Ohioans who use short term loan products every year," spokesman Pat Crowley said in a statement. "The passing of HB 123 - motivated and manipulated by a Washington-based advocacy group that is pushing its agenda of how Ohio consumers should borrow money. The biggest losers are the constituents who now have fewer options for access to cash in the event of a financial emergency. Idealism won today; the consumers of Ohio lost."

Committee Action: The committee reported the measure 10-2, with Sens. Coley and Eklund in opposition. Before the report, the panel accepted an amendment Sen. Oelslager said would allow lenders to operate online as long as they follow the regulations of the Short Term Loan Act.

The panel tabled a series of amendments offered by Sen. Coley, including one modifying the 60% fee cap, one moving the payment cap for loans under three months from 6% of a borrower's gross monthly income to 25%, one making changes to the monthly maintenance fee and one modifying allowable loan origination fees.

Much of the discussion in committee focused on the differences between the substitute version and Colorado's law.

Ted Saunders, president of the Ohio Consumer Lenders Association, presented charts showing the difference in fees and APR for loans between Colorado and the substitute version.

"The vast majority of loans that are made in Colorado would not be possible under the sub bill proposed yesterday," he said.

He said he has long supported rate caps for the industry, which would keep bad actors who charge the highest fees out.

Sen. Oelslager asked why the industry didn't come forward and ask for rate caps in the 10 years since the previous law went into effect.

"Why didn't you come forward then?" he asked. "If you had taken a proactive role, you might not be standing here today."

Mr. Saunders said the industry formed the OCLA to spread best practices, and that they worked with legislators in the House and the Senate to try to include a structure they would prefer.

Another issue Mr. Saunders focused on is the measure's limitation on loans that can be made for 90 days or less. He said the income restrictions will keep Ohioans with average incomes from being able to access loans for terms shorter than three months. Lenders could offer them four-month loans, but that would entail higher rates.

Sen. Burke asked if the legislation would prevent borrowers from paying back loans early and avoiding most of the fees.

"That incentive would certainly be in the consumer's best interest," he said.

Mr. Saunders said nothing would prevent that, but that most borrowers are likely to stick to the terms of the contract.

Mr. Bourke also testified on the differences between Colorado and the proposed Ohio law, and said most loans in Colorado are paid back early.

Part of that is because Colorado's law structures fees so that there is no monthly maintenance fee for the first 60 days, so loans paid back in full before then are cheaper, he said.

The Ohio proposal would provide lenders with more revenue in those cases, he said.

"The lenders under sub HB123 get access to that monthly maintenance fee from day one," Mr. Bourke said.

Another lender, Cheney Pruett, founder and CEO of CashMax, detailed his business operations and said he wouldn't be able to operate under it.

"I'm out of business and almost all others like me in the state will be as well," he said.

Consumers, then, would move to other options, including not paying bills, overdrafting accounts or turning to online lenders, he said.

"I think my customers should have the right to choose for themselves," he said.

Public Notice Changes Among Other Measures To Pass Senate

The Senate returned to work Tuesday for a rare summer session primarily to tackle short-term lending but passed a few unrelated bills while they were at it.

Measures dealing with local governments' use of mail for official documents, the POW/MIA flag and shoreline improvements all cleared the chamber unanimously.

The session was the first available "if-needed" session for the summer, and the chamber took advantage of it to handle the lending proposal. (*See separate story*)

Senate President Larry Obhof (R-Medina) reiterated that he has never intended to take the summer off, and that the chamber has three potential session dates set for September. An if-needed date is also scheduled for August. (See Gongwer Ohio Report, June 27, 2018)

The mail-related measure (HB 34) is designed to save money and increase efficiency for local entities by changing what is required to be sent by certified mail, said Sen. Bill Coley (R-Liberty Twp.).

It would allow local entities to send public notices by regular mail if they were also sent by email, he said.

"These are some great things that should improve notification for citizens and also save our local governments a lot of money," he said.

The measure also picked up an amendment in committee that would allow county prosecutors to represent port authorities, planning commissions and regional airports, he said.

Sen. Joe Uecker (R-Loveland) said the POW/MIA flag measure (HB 254) would designate certain state buildings to fly the flag on certain holidays, reflecting requirements in federal law.

"HB254 is an act to recognize the service of those individuals and to recognize that their sacrifice will never be forgotten," he said.

The proposal dealing with shoreline improvements (SB 51) would allow shoreline improvements as part of a special improvement district. Sponsor Sen. John Eklund (R-Chardon) said it would include specific requirements for the projects, including that they would need 100% support among residents.

Levies could be assessed for up to 30 years, and the projects would be designed to reduce shoreline erosion, he said.

Projects would be required to comply with zoning and environmental and coastal management laws and rules, he said.

Sen. Sean O'Brien (D-Bazetta) said the ability to fund the projects through this mechanism can help preserve a vital resource.

"We have a lot of work to do there, and this is a step in the right direction that will help abate that problem," he said.

Ed Board Boosts Third-Grade Reading Benchmark

The State Board of Education on Tuesday approved an increase to the Third Grade Reading Guarantee promotion score after rejecting a committee proposal to hike the new standard beyond the Department of Education's recommendation.

The full panel voted 16-0 to increase the score students need to achieve on the Ohio State Test for third grade English and language arts from 672 to 677 for the 2018-19 school year, as recommended by ODE. The move came after the board voted 9-7 to reject a resolution recommended earlier in the day by the Achievement and Graduation Requirements Committee to set the necessary score at 682.

That committee advanced the higher of the two proposed benchmarks by a 4-2 vote, with District 4 board member Pat Bruns and at-large board member Cathy Flory siding against the 682 benchmark.

At-large board member Kara Morgan, who advocated for the higher of the two standards in committee, said the state annually requires the board to re-evaluate and increase the benchmark until it eventually reaches 700, which represents proficiency. While she conceded making the jump to 700 immediately "would be a shock to the system that might not be the best thing for the students," she added that she thinks the state and districts have enough resources in place to deal with the change to 682.

"I just think that it's time to push forward with the pace," she said, adding that the board could move forward with a smaller increase next year if this year's increase proves too taxing for districts.

Ms. Bruns and Ms. Flory both said they could not support the change to 682 without conducting additional conversations with their constituents. The committee last month delayed its vote on the recommendation to give its members more time to discuss the change to 677 with local school district officials. (See Gongwer Ohio Report, June 12, 2018)

District 11 board member Meryl Johnson was among the nine members who sided against the higher of the two possible increases when the measure came to the full board for a vote. She said she felt raising the promotion score too drastically could lead to a financial strain on districts that could be forced to devote more staff time and other resources to intervention efforts with students who fall short of the standard.

"This is an unfunded mandate," she said.

Other board members argued raising the score more sharply could benefit local school districts.

Sarah Fowler, who represents District 7, said the state board is drawing out the legally required process of getting to the score of 700, which leads to more year-to-year uncertainty for school districts.

"If we're going to give the districts the stability that they've asked for, we have to get to proficient," she said.

District 10 board member Nick Owens said he also feels it's time for the state to "speed it up" in terms of expectations for school districts.

"I don't want us to be on a 10-year quest or a 28-year quest," he said of the mandate to eventually hike the score at 700.

After the board rejected the committee's recommendation, it moved to reconsider the resolution and accepted an amendment to move forward with the score of 677. Ms. Fowler cast the lone vote against the change before the board unanimously approved of the legislation.

In other action, the board unanimously voted to delay the implementation of overall grades for career and technical schools on state report cards for a year, adopt 2018 standards for principals and approve the transfer of territory from the Milford Exempted Village School District to the Indian Hill Exempted Village School District.

Gubernatorial Hopefuls Address Infrastructure, Transportation Plans

Both Mike DeWine and Richard Cordray on Tuesday promised if elected governor to empower local communities to help guide their administration's approach to infrastructure, workforce development and other pressing local issues.

Their remarks were delivered at a downtown Columbus hotel and directed at attendees of an Ohio Association of Regional Councils conference. There the pair addressed the audience in separate Q&A sessions on how they'd grapple with aging roads and bridges, inadequate mass transit and other challenges.

The two candidates overall stuck to the issues at hand but did make time to trade a few barbs on the ongoing Electronic Classroom of Tomorrow controversy and on where blame should lie for the opioid epidemic.

Regarding infrastructure, the two candidates laid out differing plans, but neither confirmed whether they would support potential revenue streams including indexing the motor fuel tax to the Consumer Price Index or increasing the use of tolls.

Attorney General DeWine said one of his first acts in the governor's seat would be to create a blue-ribbon commission to examine those and other funding ideas.

"We will put citizens on there," the Republican said. "We will put experts on there. I will give them a very short period of time to come back and give a report about the status of our infrastructure. Once that has come back we need to have that candid discussion. What a governor owes the state is honesty, a candid discussion about exactly where we are."

Mr. Cordray was unimpressed.

"A blue-ribbon commission is often an excuse for not being ready to lead or not being ready to set a direction for the state," the Democrat said. "I think if you're running for governor of the state you bear a responsibility to set a direction and I've made my commitment and I will follow through on it."

Mr. Cordray's commitment entails a "significant" bond issue that he believes voters would support thanks to their frustration with inaction from leaders in Washington and Ohio. He declined to specify the exact size of the bond issue he would put forth.

"I'll go to the people and make the case and I believe they'll support that because they'll understand long-term financing is suitable to a long-term investment of this kind and they'll want to know we're doing something to improve our roads and bridges and get broadband across the state," he said.

Other pressing issues addressed by the duo included:

Opioids: Mr. Cordray continued laying some of the blame for the growth of the epidemic at Mr. DeWine's feet - a charge Mr. DeWine staunchly denied.

"When you hold public office you bear responsibility and if you're not prepared to bear responsibility you shouldn't hold public office," Mr. Cordray said. "On his watch the opioid deaths tripled in Ohio. That's a fact. There's no wishing that away."

Mr. DeWine called it "absurd" to blame him for the growth of the opioid epidemic and said his opponent has his work cut out for him if he plans to convince Ohioans that's the case.

"I don't think anybody thinks I'm to blame for the drug problem," Mr. DeWine said. "I think the real question is who has taken action? I have taken action. We have a 14-point plan. Cordray has no plan."

The Republican candidate stressed prevention starting as early as kindergarten and said he would double the number of attorney general task forces dedicated to the issue if elected. He also said he intends to ensure his first state budget includes an infusion of dollars to support anti-opioid efforts targeted at children.

"While we cannot project next year's budget or what will be available, one thing I will commit to is there will be significantly more money for every county in the state regarding children's services," he said.

Workforce Development: Mr. DeWine called for a cultural shift by renewing the emphasis on trade schools rather than funneling all students toward traditional colleges. He also stressed the early childhood education plan he rolled out last month as one solution. (See [Gongwer Ohio Report, June 28, 2018](#))

"There is no magic solution," Mr. DeWine said. "I think a governor can impact the culture... (and) has the best ability to talk to people in the state than anybody else does."

Mr. Cordray said he agrees with some of those points, but additionally expressed a desire to expand childcare options for working parents, provide additional support for community colleges, and establish universal preschool.

"It is not a looming economic problem for Ohio," he said. "I think it is a current economic problem for Ohio."

Transportation Technology: Both men expressed a desire to ensure Ohio remains at the vanguard of technological advancements in this area.

Mr. Cordray specifically said he wants to ensure the state deploys the same technology, where applicable, in both urban and rural areas.

And Mr. DeWine called advancements "exciting," adding that "quite candidly, we're either going to adapt and move forward or we're going to get left behind."

ECOT: Mr. DeWine defended his legal work as his office attempts to reclaim funding from the shuttered Electronic Classroom of Tomorrow and its founders. (See [Gongwer Ohio Report, July 5, 2018](#))

"Other people have talked, we've taken action," Mr. DeWine said. "We're using every single tool that we can to recover taxpayers' money from Bill Lager, and anyone else who benefited. ... We will not stop until we have done absolutely everything we can."

But Mr. Cordray said his administration would be more aggressive in pursuing accountability in such cases. He and Democrats have criticized Mr. DeWine for not acting against ECOT sooner.

"We need a state government that is willing to hold people accountable and willing to separate what's working and what's not," Mr. Cordray said.

Other Issues: Although both men received mostly the same questions, there were a few differences. Mr. DeWine was quizzed on how he'd tackle agricultural runoff fueling harmful algal blooms.

Without sharing details, Mr. DeWine said he wants a science-based approach fashioned with input from all sides of the issue.

"We're going to be reaching out to the experts in this area," Mr. DeWine said. "I don't have all the answers sitting up here but my commitment is...what we do will be scientific-based, but I will lead in this area. It certainly appears that what we are doing is not getting it done."

And Mr. Cordray received a query about JobsOhio - the quasi-public agency that has drawn criticism for its lack of transparency in economic development dealings.

Mr. Cordray said overall that JobsOhio has an important mission that should be furthered and that the entity is a "very powerful and flexible tool" he could utilize as governor.

"But I do want it to be transparent so we know what's happening with it," he said. "And the collaboration with local (governments) and councils of your kind possibly could be improved, but I do think that's a tool I'll be interested to work with."

Supreme Court Pick: Lastly, both men sounded off on President Trump's selection of D.C. Court of Appeals Judge Brett Kavanaugh for the upcoming Supreme Court vacancy. (See [separate story](#))

"I'm very excited about this nomination," Mr. DeWine said. "The president of the United States continues to be consistent in putting people on the federal bench who are conservatives and constructionists. Kavanaugh is

extremely well qualified for this job. I support him and look forward to seeing him on the court."

Mr. Cordray was less enthusiastic about the selection, saying that it "underscores the critical need for Ohioans to have...a governor who will stand on their side and fight back against attempts to undermine our rights."

Mr. Cordray previously received campaign contributions from Judge Kavanaugh as both worked as clerks for retiring U.S. Supreme Court Justice Anthony Kennedy. Mr. DeWine's campaign seized on that fact in an effort to paint the candidate as a hypocrite.

But Mr. Cordray said his past with the SCOTUS candidate is no different than with any other attorney or judge he's crossed paths with throughout his work experience.

"I've had various dealings with a lot of lawyers and judges over the years," Mr. Cordray said. "I have relationships with a lot of people who have argued and spent time with the Supreme Court from clerking there and arguing the cases I've argued there over the years."

Panel Suggests Revisions To State Report Cards

A State Board of Education working group's initial recommendations for changes to state report cards for school districts include moving away from letter grades and eliminating or revising the K-3 literacy category.

The full board Tuesday reviewed and discussed the changes suggested by the working group, which is set to reconvene in October to analyze report cards for the 2017-18 school year and consider additional recommendations. The group features members of the board's Accountability and Continuous Improvement Committee, along with representatives from outside education groups, including the Buckeye Association of School Administrators, the Ohio Education Association, the Ohio PTA and the Ohio School Boards Association, among others.

The group's draft report calls the K-3 Literacy category on the existing report card "misleading" and recommends the legislature eliminate it or replace it with a category named "promotion rate," which measures the percentage of students meeting Third-Grade Reading Guarantee requirements for advancement to fourth grade. If the K-3 Literacy measure remains, the group requests the state rename it to better reflect what it is measuring.

"Report card users think it is a measure (of) literacy performance for all K-3 students when in fact it is a complicated portrayal of efforts to improve outcomes for struggling readers," the report states. "Some schools may have a small number of students struggling with literacy, while the vast majority of students are succeeding - but the current measure only reflects the struggling students."

The report also recommends the legislature eliminate the Indicators Met category as a graded measure and rely on districts' Performance Index scores to measure achievement. The report states the Indicators Met measure has "inherent weaknesses" because it does not "differentiate between schools that are close to meeting or far from meeting a target."

On the topic of letter grades, the report recommends they be replaced with "descriptive labels" such as "Does Not Meet Standards" and "Meets Standards," although it notes the group intends to discuss the idea in greater detail when it reconvenes in October.

Among the other topics set for further consideration this fall include how the report card can better represent value added, or the amount a student or group of students progresses in a year.

Nancy Hollister, the board's vice president, stressed the preliminary nature of the report, which has not been voted on by the full board.

"This is a list of recommendations," she said. "This is the beginning of a subject that needs to be discussed. This is not an end-all."

The board's effort to suggest revisions to the report card comes amid Rep. Mike Duffey's (R-Worthington) ongoing push for a measure (HB 591) to overhaul the state's system for evaluating school districts. (See Gongwer Ohio Report, May 23, 2018)

The lawmaker said he later would author a full review of the group's draft report, but offered initial suggestions to the board Tuesday.

Instead of suggestions for individual categories, Rep. Duffey said he encouraged the group to take a holistic approach in its recommendations for updating the report card system. He also expressed concern because the full board is not expected to vote on the group's recommendations until the fall or winter.

"It may be too late to have much of an impact on the current legislative process," he said.

District 5 Board member Lisa Woods said she was appreciative of the panel's work, but disappointed with its pace.

"I wish we would have gone a little faster and a little deeper and actually had some effect on this coming report card," she said.

District 11 board member Meryl Johnson said she's glad the working group is taking a "deep dive at a very complicated issue"

She said she thinks the existing report card system can lead to unfair consequences for certain districts, including state takeovers.

"When you have an unreliable measure that's being used to disenfranchise a community, that's a problem," she said.

Rep. Duffey said certain categories on the existing report card can better reflect a district's wealth rather than the work of its educators, something he is hoping to correct with his legislation.

High Court: Class Action BWC Suit Seeks Legal Relief, Filed In Wrong Court

A class action lawsuit against the Bureau of Workers' Compensation over administration fees collected by a third party must be filed in the Court of Claims, the Ohio Supreme Court ruled Tuesday.

Writing for the majority, Chief Justice Maureen O'Connor found that the lawsuit was improperly filed in common pleas court because it seeks a form of legal relief rather than equitable relief.

The case stems from a 2010 lawsuit filed by Michael Cirino in Cuyahoga County Common Pleas Court seeking to recoup administrative fees collected by JP Morgan Chase, the court's media arm reported.

Mr. Cirino argued that a 2006 law that paved the way for BWC payments through debit cards required the agency to cover all administrative costs.

However, Mr. Cirino said he incurred several \$5 fees by accessing his bimonthly payments while visiting a bank teller.

After consulting with a lawyer, he filed the class action lawsuit arguing that it is injured workers that are paying the administrative cost despite the 2006 law.

The BWC sought to dismiss the case, contending Mr. Cirino was seeking legal relief. But the trial court and the Eighth District Court of Appeals disagreed.

"The crux of the claim is therefore that the bureau has improperly allowed benefit recipients to be harmed by fees charged by Chase and that the proper relief is to have the bureau pay money to compensate for that loss,"

Chief Justice O'Connor wrote in overturning the lower court rulings. "The claim therefore seeks compensatory relief - a classic form of legal relief."

Mr. Cirino also unsuccessfully argued that the claim is equitable because Chase acts as the BWC's agent.

"Assuming without deciding that an agency relationship existed, neither Cirino nor the trial court nor the court of appeals has pointed to evidence that the bureau has the power in any such relationship to control the disposition of funds that have been charged by Chase as fees," Chief Justice O'Connor wrote. "The court of appeals and the trial court did not analyze this issue, and Cirino has disclaimed reliance on an agency argument altogether."

She was joined in her opinion by Justice Patrick Fischer and Justice Mary DeGenaro.

In a separate concurring opinion joined by Justice Sharon Kennedy and Justice Judith French, Justice Patrick DeWine found that the funds for which Mr. Cirino is seeking restitution are not held by the bureau.

"Here, the BWC disbursed the funds held for Cirino to the bank," he wrote. "After the specific funds to which Cirino claims he was entitled were transferred to Chase, the bank deducted the fees that are at issue in this lawsuit. Thus, any remedy due Cirino would be paid not from particular funds held by the BWC to which Cirino can trace entitlement, but from the BWC's funds generally."

In a dissenting opinion, Justice Terrence O'Donnell sided with Mr. Cirino.

"Because Cirino's claim seeks the full monthly benefit of his award, the administrative costs assessed by Chase are costs of administering the benefits program to be borne by the state," he wrote. "Thus, this is an equitable claim and therefore the common pleas court, not the Court of Claims, has jurisdiction in this case."

Kavanaugh Nomination Leads To Strong Reaction On Both Sides

Ohio partisans quickly staked out their corners shortly after the president late Monday announced his latest nomination to the nation's highest court.

Those on the left warned in statements that President Donald Trump's selection of Brett Kavanaugh could spell the end of long-standing precedent such as *Roe v. Wade*. Those on the other side of the ideological divide hailed the D.C. Circuit Court judge as an accomplished jurist that deserves a fair and thoughtful confirmation process in the U.S. Senate.

The political battle that has the potential to shift the court decidedly rightward for decades could play out for months as Mr. Kavanaugh, a staffer in the White House of President George W. Bush, left a lengthy paper trail for Democrats to sift through and scrutinize as they try to mount a daunting challenge to the nominee, one that could reshape midterm election contests across the country.

If confirmed, Mr. Kavanaugh would replace Justice Anthony Kennedy, long the "swing vote" on the court, who, after being nomination by President Ronald Reagan, voted with the liberal bloc on the court to uphold abortion rights and legalize same-sex marriage.

Left-leaning groups and Democrats were quick to emphasize those issues as possibly at stake, while conservative interests and Republicans largely avoided specific issues that could come before the court in the future.

One of the few exceptions was Ohio Right to Life, which said that it looks forward to *Roe* being overturned "so that Ohio can set its own pro-life policies."

"Kavanaugh has a proven judicial record that he will interpret the Constitution as written and will not be an activist justice," President Mike Gnidakis said. "We thank President Trump for holding to his promise that he would nominate pro-life Justices to the court."

U.S. Sen. Rob Portman (R-Terrace Park) was one of several individuals or groups on the right who avoided the issue of *Roe* and instead focused on the confirmation process.

"Judge Kavanaugh has an impressive background," he said. "He is highly regarded as a fair-minded and independent judge and is clearly qualified to serve on the Supreme Court. I look forward to meeting with him in the coming weeks as he goes through a fair and thorough evaluation process."

Americans for Prosperity-Ohio said its national group plans to commit seven figures to supporting Mr. Kavanaugh's confirmation.

"We hoped President Trump would nominate a judge in the likeness of Neal Gorsuch," the group said. "By nominating Judge Kavanaugh, he has kept his promise to select a jurist with an exemplary record of judicial restraint and a commitment to the Constitution, both of which are vital to serving on the highest court."

State Auditor Dave Yost and Senate President Larry Obhof (R-Medina) both praised the nominee, saying he will not legislate from the bench.

"Predictability and stability need to be the hallmarks of the law," Mr. Yost said during a conference call with reporters.

Ohio Republican Party Chairman Jane Timken used the announcement to put U.S. Sen. Sherrod Brown (D-Cleveland) on the spot.

"I urge Democrat Senator Sherrod Brown to learn from his previous mistake of obstructing Justice Neil Gorsuch's confirmation and respect the will of Ohio voters," she said.

Sen. Brown, one of several red state Democrats up for re-election who will face pressure to vote for the president's nominee, said he has "serious concerns" about recent decisions issued by Judge Kavanaugh, including those involving women's rights.

"I plan to review Judge Kavanaugh's record thoroughly and ask him tough questions face-to-face before I make my decision," he said. "I will not support any justice who would take rights away from Ohioans."

Planned Parenthood and NARAL Pro-Choice Ohio also raised the specter of *Roe* in blasting the nomination.

"President Trump promised to appoint justices that would overturn or gut *Roe v. Wade*," NARAL Pro-Choice Ohio Executive Director Kellie Copeland said. "Because this seat on the U.S Supreme Court is the difference between upholding *Roe* and criminalizing abortion and punishing women, the burden of proof must be on the Trump's nominee, Judge Brett Kavanaugh, to proactively prove he will preserve *Roe v. Wade* and not criminalize abortion."

Tyler Dillon, communications director at ProgressOhio, warned that the nomination puts gains made in health care and environmental issues at risk.

"Kavanaugh's nomination threatens affordable access to health care, places corporations above Americans in the eyes of our law, and could destroy protections for our clean air and water," he said.

The Ohio Democratic Party sought to capitalize on the nomination by asking for money.

"Trump's nomination of Brett Kavanaugh could give Republicans the vote they need to overturn *Roe v. Wade*, gut workers' rights and strip away the protections of the Affordable Care Act," it wrote in a fundraising email.

The Ohio Environmental Council characterized the choice as "reckless," saying Judge Kavanaugh will "work tirelessly to undo protections to keep our air, land, and water clean and safe."

Exelon Moves To Purchase FirstEnergy Solutions

The financially troubled FirstEnergy Solutions has found a suitor in the way of Chicago-based Exelon, which is proposing to purchase the company currently seeking bankruptcy protection.

The tentative agreement, which has not yet been approved, is part of FES's ongoing case in U.S. Bankruptcy Court.

Documents filed Tuesday show Exelon is eying acquiring FES's wholesale and other commodity contracts for \$140 million in cash.

The prospective buyer has agreed to use "commercially reasonable efforts" to replace guarantees and credit support currently being provided by FirstEnergy in support of ongoing competitive retail businesses.

The filing before the Securities and Exchange Commission states the transaction is expected to close in the fourth quarter of 2018. Either party can terminate the agreement should it fail to close by Dec. 31.

Neither company has commented on the potential deal, which must still be approved by the government.

FES filed for Chapter 11 protections in April in a long-expected move, with the company billing it as a major step in its strategy to exit the competitive generation business and become a fully regulated utility. (See [Gongwer Ohio Report, April 2, 2018](#))

Since then, FES and its parent company, FirstEnergy, have continued to press Ohio lawmakers and the Trump Administration to enact new financial supports to maintain operation of its nuclear plants.

In Ohio that includes any of a trio of bills (SB 128, HB 178 & HB 381) to create a new zero-emissions credit program. Those proposals have gained little traction, however. (See [Gongwer Ohio Report, April 23, 2018](#))

And at the federal level the requested assistance involves engagement of the Federal Power Act to preserve what the company calls vital resources. The move has drawn much opposition from stakeholder groups. (See [Gongwer Ohio Report, June 1, 2018](#))

Renacci Pledges To Serve Two Terms; Dialysis Issue Gets Formal Opposition; Group Looks To Make It Easier To Opt-Out Of Unions...

[U.S. Rep. Jim Renacci](#) (R-Alliance) vowed on Tuesday to serve just two six-year terms if he ousts Sen. Sherrod Brown (D-Cleveland) in the fall.

"We have to make sure we get term limits established in Washington because the power base becomes so that people are not voting for their state anymore but they start voting for their leadership," he said during an event in Cincinnati, where he also committed to supporting a constitutional amendment to limit House members to three terms and members of the Senate to two terms.

Rep. Renacci also blasted Sen. Brown for his lengthy career in elected office. But the campaign of the Democrat fired back, with Preston Maddock, communications director, in a statement calling the pledge "worthless."

"He's already said he doesn't believe in term limits and, as a four-term congressman, he's in violation of this gimmick pledge," he said. "Instead of setting fake deadlines for his time in office, Ohio would be better off without Congressman Renacci's anti-worker, self-serving agenda in Congress at all."

In the race to build a campaign war chest, Sen. Brown is far outpacing his challenger, reporting raising \$3.7 million in the second quarter, giving him \$11.1 million on hand.

"Ohioans from across the state are committed to re-electing Sherrod so he can keep fighting for them in the Senate," Rachel Petri, a campaign spokeswoman, said in a statement. "They are volunteering their time, contributing what they can, and building a grassroots campaign to defeat the D.C. lobbyists and special interests that want to replace Sherrod with one of their own."

Rep. Renacci, meanwhile, reported raising more than \$2 million during the quarter. He did not reveal his total on hand.

"It's clear the people of Ohio are tired of career politician Sherrod Brown raising taxes, creating burdensome and unnecessary regulations that hurt Ohio small businesses, and failing to take care of our nation's veterans," he said.

Formal Opposition: The Kidney Dialysis Patient Protection Amendment has formal opposition. Nearly 20 groups, including the Ohio State Medical Association, have formed Ohioans Against the Reckless Dialysis Amendment.

Spokesman Gene Pierce in a statement accused the SEIU on Tuesday of having "a long history of abusing the ballot issue process to advance its own political agenda."

"That its amendment would actually harm Ohio dialysis patients comes as no surprise to those familiar with the SEIU's strong-arm tactics," he added.

SEIU spokesman Anthony Caldwell did not respond to a request for comment by publication time.

Opt-Out: The Buckeye Institute in the wake of the *Janus* decision has launched a website to help public sector union workers withdraw from their collective bargaining units.

The Workers Choose campaign will allow visitors to WorkersChoose.org to receive detailed information on opting out of their unions.

"For those workers who are happy to continue supporting their government unions, they also have the First Amendment right to maintain their membership in them," CEO and President Robert Alt said in a statement. "The *Janus* decision is a win for all of our public workers, who are now respected and have a right to choose -- and those choices must be honored. I'm not sure how anyone could be opposed to letting workers decide for themselves."

Voter Rolls: A day after Secretary of State Jon Husted issued a series of directives to boards of election on purging voter rolls, one of the lawmakers who hopes to replace him continued to call on him to end the process of removing voters from the rolls due to non-voting.

"This sloppy and costly purge process uses flimsy guesswork to take away people's fundamental right to vote," Rep. Kathleen Clyde (D-Kent) said in a statement. "The secretary of state should stop this harmful and discriminatory use-it-or-lose-it voter purge."

Secretary Husted has repeatedly defended the process, saying it serves to reduce lines and confusion on Election Day and is a guard against voter fraud.

Governor's Appointments

Statewide Emergency Services Internet Protocol Network Steering Committee: Chief Mark L. Martin of Massillon (Stark Co.) for a term beginning July 10 and ending Dec. 31, 2020.

Governor's Council on Juvenile Justice: Jill N. Tayfel, MFCS, PCC-S of Brecksville (Cuyahoga Co.) was reappointed for a term beginning July 10 and ending Oct. 31, 2020.

New Americans Advisory Committee: Frederick Odame, MBA of Liberty Twp. (Hamilton Co.) for a term beginning July 10 and ending May 14, 2020.

Ohio Statewide Independent Living Council: Davin Marcum of Coal Grove (Lawrence Co.) and Renee M. Wood of Toledo (Lucas Co.) for terms beginning July 10 and ending March 14, 2021.

Supplemental Agency Calendar

Thursday, July 19

~~Canceled: Statewide Independent Living Council, Embassy Suites Columbus Airport, 2886 Airport Dr., Columbus, 1 p.m.~~

Supplemental Event Planner

Wednesday, July 11

Gov. John Kasich and OBM Director Tim Keen to announce fiscal year-end deposit to 'Rainy Day' fund., 34th Fl., 30 E. Broad St., Columbus, 10 a.m.

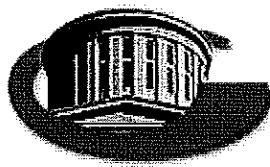
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The Record of Capitol Square Since 1906

Senate Activity for Tuesday, July 10, 2018

PASSED

HB PUBLIC NOTICES (Hambley, S., Ryan, S.) To authorize certain state agencies, local governments, and **34** other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail, to modify the requirements for public records training for elected officials, and to allow a county prosecuting attorney to enter into a contract with a regional airport authority, port authority, or regional planning commission to be its legal adviser.

30-0

[Gongwer Coverage](#)

HB BLENDING LAWS (Koehler, K., Ashford, M.) To modify the Short-Term Loan Act, to specify a minimum **123** loan amount and duration for loans made under the Small Loan Law and General Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers.

21-9 (Earlier REPORTED-AMENDED)

[Gongwer Coverage](#)

HB POW/MIA FLAG (Wiggam, S.) To enact the POW/MIA Remembrance Act requiring the POW/MIA flag **254** to be displayed at certain buildings operated by the state on Armed Forces Day, Memorial Day, Flag Day, **■** Independence Day, National POW/MIA Recognition Day, and Veterans' Day.

30-0

[Gongwer Coverage](#)

SB LAKE ERIE (Skindell, M., Eklund, J.) To authorize the creation of a special improvement district to **51** facilitate Lake Erie shoreline improvement.

30-0

[Gongwer Coverage](#)

REFERRED

Agriculture:

HB 522 LIQUOR PERMITTING (Lanese, L.) To allow an outdoor refreshment area to include F liquor permit holders.

Government Oversight & Reform:

HB PUBLIC DISCLOSURE (Perales, R., Keller, C.) To eliminate the public disclosure exemption for any **139** permanently retained record 100 years after the date of its creation, with exceptions.

Health, Human Services & Medicaid:

HB STROKE PATIENTS (Lipps, S., Antonio, N.) To provide for recognition of stroke centers and **464** establishment of protocols for assessment, treatment, and transport to hospitals of stroke patients.

HB VOLUNTEER HEALTH SERVICES (Patterson, J., LaTourette, S.) To authorize health professionals **541** licensed in other states to provide volunteer health services during charitable events.

SCR TITLE X FUNDING (Thomas, C., Tavares, C.) To express opposition to proposed changes in federal **25** regulations governing the Title X National Family Planning Program and to declare support for access to all legal family planning services and related counseling.

Local Government, Public Safety & Veterans Affairs:

HB 315 DAY DESIGNATION (Arndt, S.) To designate October 6 as "S.M.A.R.T. Parent Day."

SB 311 DAY DESIGNATION (Hoagland, F., Williams, S.) To designate June 12 as "Women Veterans' Day."

Transportation, Commerce & Workforce:

SB ROAD NAMING (Burke, D.) To designate a portion of State Route 4 in Marion County as the "Army **312** Cpt. Stephen J. Chaney Memorial Highway."

Ways & Means:

HB 361 TAX COMPLAINTS (Greenspan, D.) To increase the time within which boards of revision must decide property tax complaints.

COMMITTEE HEARINGS

Finance

HBLENDING LAWS (Koehler, K., Ashford, M.) To modify the Short-Term Loan Act, to specify a minimum **123** duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers. (**REPORTED-AMENDED**; 7th Hearing-Possible amendments & vote)

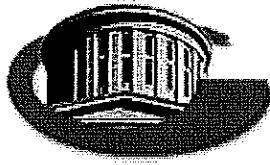
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Daily Activity Planner for Wednesday, July 11

Legislative Committees

No legislative committees scheduled.

Agency Calendar

Veterinary Medical Licensing Board, 77 S. High St., Room 1914, Columbus, 8:30 a.m.

State Personnel Board of Review, 12th Fl., 65 E. State St., Columbus, 10 a.m.

Venture Capital Authority, 29th Fl., 77 S. High St., Columbus, 1 p.m.

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

Event Planner

Gov. John Kasich and OBM Director Tim Keen to announce fiscal year-end deposit to 'Rainy Day' fund., 34th Fl., 30 E. Broad St., Columbus, 10 a.m.

Rep. Richard Brown (D-Canal Winchester) fundraiser, The Paddock Club, 1005 Richardson Rd., Groveport, 5:30 p.m., (Sponsor Levels: Sponsor \$250, Host \$100, Guest \$50 to Citizens for Richard Brown)

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Sarah LaTourette Kayser <latoursm@gmail.com>

Payday lending bill clears Ohio Senate

1 message

Capitol Letter <cleveland.com_newsletters@update.cleveland.com>

Reply-To: Capitolletter@cleveland.com

To: Latoursm@gmail.com

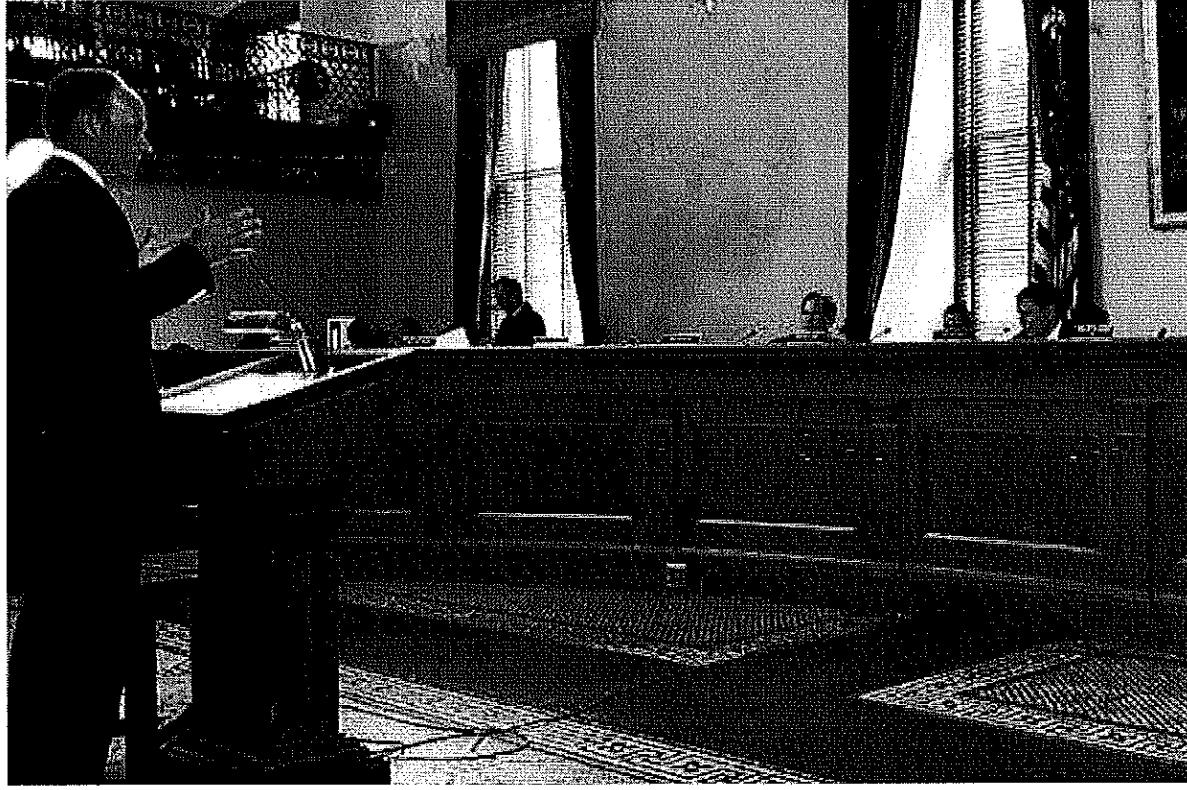
Wed, Jul 11, 2018 at 6:15 AM

Wednesday, July 11, 2018

[View in Browser](#)

Capitol Letter

Laura Hancock, Jeremy Pelzer & Jackie Borchardt



Ted Saunders, CEO of Checksmart's parent company, testifies before the Ohio Senate Finance Committee on Tuesday morning. (Laura Hancock/cleveland.com)

Rotunda Rumblings

A bill's payday: The Ohio Senate adopted a version of a payday loan bill

Tuesday afternoon that advocates believe will save Ohioans \$75 million a year in interest and fees. Cleveland.com's Laura Hancock writes that while some people are cheering the bill's passage, lenders warn stores will close.

Making waves: The Ohio Senate also passed a bill Tuesday that would allow Lake Erie shoreline improvement and erosion control projects to be financed by special improvement districts. That would allow the districts to levy property taxes on people and businesses in the districts for up to 30 years. Senate Bill 51 now heads to the House for consideration.

State GOP committeeman dies: Bob Murphy, an Ohio Republican Party central committeeman and the long-shot GOP candidate for Senate Minority Leader Kenny Yuko's District 25 seat, died Tuesday, according to a state party spokesman. Murphy was a longtime Republican activist and radio show host from Lake County. No word yet on who might take over his central committee seat and replace him as the SD-25 nominee.

West-coast endorsement: California Sen. Kamala Harris, a former state attorney general there, has endorsed Steve Dettelbach for Ohio attorney general. Dettelbach, a former U.S. attorney, said in a statement he was humbled by the endorsement by Harris, who is seen as a rising star in the Democratic Party. He faces Republican Auditor Dave Yost in the November election.

Opt-out help: The Buckeye Institute, a conservative Ohio think tank, launched a new tool to help public employees opt out of mandatory "fair share" union dues after the Supreme Court's June decision in *Janus v. AFSCME*. The Workers Choose website asks for your name and union and will generate union-specific instructions for how to opt out.

Payroll ploy: A state employee who handles payroll for the Ohio Department of Developmental Disabilities is facing charges that she over-reported another worker's hours without his knowledge and diverted the extra money (more than \$35,000, though she netted only about \$27,000 after taxes) to her personal bank account, according to a new report from

the Ohio inspector general's office. Human Management Capital Analyst Tiffany Diggs resigned from the department in April; a Franklin County grand jury has indicted her on charges of theft in office, tampering with records and filing a false or fraudulent tax return.

Ryan rising: Democratic U.S. Rep. Tim Ryan may be making another play to become the Democratic leader of the U.S. House, according to Politico. Ryan challenged Nancy Pelosi in 2017, gaining about a third of the caucus. He said afterward he had no interest in running again, but after an upstart woman from New York knocked off a member of leadership, Ryan is reconsidering.

Exotic guest: Michael Avenatti, the lawyer for pornographic actress Stormy Daniels, will make his own appearance in Ohio just weeks after his client appears in Cleveland. Mahoning County Democratic Party Chairman Dave Betras tweeted out Monday that Avenatti, who is known for his colorful and combative appearances on TV, will speak at the Mahoning County Democrats annual chairman's dinner.

BFF: Democratic gubernatorial hopeful Richard Cordray criticized Brett Kavanaugh, President Donald Trump's selection for the U.S. Supreme Court, but as Jessie Balmert from the Cincinnati Enquirer points out, Kavanaugh has donated to Cordray in the past. Kavanaugh gave \$250 to Cordray's failed 1998 attorney general race and \$1,000 to his failed 2000 bid for Senate.

Come to terms: Republican U.S. Rep. Jim Renacci signed a pledge Tuesday saying he would only serve two terms if elected to the Senate, cleveland.com's Andrew Tobias writes. Renacci formerly wasn't a fan of term limits, but said he changed his mind after seeing Washington firsthand.

Cash cow: Meanwhile, Tobias reports that Renacci's opponent, Democratic U.S. Sen. Sherrod Brown, raked in a hefty sum in the second quarter. Brown reported bringing in almost \$3.7 million and has more than \$11 million cash on hand.

Fly like an eagle: Perhaps you've seen Eddy the Eagle, the mascot once aligned with ECOT who has now switched sides and is criticizing charter schools. Patrick O'Donnell of The Plain Dealer caught up with Eddy to try and learn something about Eddy's inner self.

Teasing tax hikes: Republican Attorney General Mike DeWine said he was ready to have a "candid conversation" with the public about hiking taxes to pay for infrastructure, but stopped short of outright calling for one, per Randal Ludlow of The Columbus Dispatch.

Winner, winner, chicken dinner: Ohio racinos posted a record \$987 million for the fiscal year ending in June, cleveland.com's Rich Exner reports. Ohio's four Casinos operate on a calendar year, and their revenue numbers were up year-over-year for the first six months of 2018.

The best defense: A group of wrestlers is coming to the defense of GOP U.S. Rep. Jim Jordan, according to cleveland.com's Sabrina Eaton. Jordan has faced a ton of scrutiny lately over allegations from former wrestlers who said Jordan knew they were sexually assaulted by the Ohio State team doctor while Jordan was an assistant coach. On Tuesday, a PR firm in Virginia sent out a website that included testimonials from 15 former wrestlers saying they believed Jordan.

Red flags: Also backing Jordan is former head coach Russ Hellickson, writes Eliza Collins of USA Today. Hellickson said the wrestlers said they were uncomfortable with the doctor at basically all points of contact -- the locker rooms, weigh-ins, in the showers -- but Hellickson said there wasn't a "red flag" that constituted abuse.

Doing right by Doby: Legislation to award a posthumous Congressional Gold Medal to Indians great Larry Doby, the second African American to join a Major League Baseball team, has cleared the U.S. House of Representatives, Eaton reports.

Five Questions

Rep. Keith Faber is a Celina Republican running for state auditor in November against Democratic former congressman Zack Space. Faber was first elected to the Ohio House in 2001 and was elected to the Senate in 2006. He served as Ohio Senate president for two sessions, from 2013 to 2017, before moving back to the House.

1. I've heard you've had a lot of little jobs early in your life including a stint at McDonald's. Looking back, which job was your favorite and why?

I spent three summers in college working as the artist transportation coordinator for Meadow Brook Music Festival (in Rochester Hills, Michigan). My job was to organize staffers and drivers for artists from the airport to the hotel to the venue and back and forth. I got to drive some pretty neat entertainers and artists and some people who were not so nice. Liberace was there two years before he died. He was the best person at working a crowd I'd ever seen and he was very personable and very nice. Some people had some really crazy requests. One artist wanted a certain flavor of Dentyne gum and I went to 15 stores to find it.

2. What you like best about being in the House and what do you miss most from the Senate?

In the House, the members are exciting. They're mostly younger and not as experienced so their ideas are still fresh and their energy level is exciting. In the Senate, you're one of 33 legislators...You can put your fingerprints on anything that's going on. You can be more impactful.

3. If elected auditor, you'll be on the first apportionment board to draw Statehouse district lines through the new process approved by voters in 2015. What voice would you bring to that effort?

I'd bring an emphasis on compact, geographically non-divisive districts. That's what the constitution requires. I don't think you draw districts that meet outcomes but you have to look at vote patterns. I'm a constitutionalist.

You follow the law. Those ground rules will hopefully lead to a more transparent process and outcomes.

4. You're from a fairly rural, conservative part of the state -- is that a challenge when running statewide and how are you reaching out to voters who aren't from that same background?

We're spending a lot of time traveling around Ohio. Rural Ohio has a lot to offer. I've also lived in big cities -- the Detroit area, Columbus and other places -- and that experience is very helpful. When I was senate president, I represented the whole state. You reach out by talking about the issues that are important to them.

5. What's one thing most people around Cap Square don't know about you?

Most people don't realize I like to do things that are handy. I was outside splitting wood all weekend. A good, relaxing day for me is riding on the tractor mowing grass or doing something outside with my kids.

On The Move

State Rep. Brigid Kelly, a Cincinnati Democrat, was one of 32 state and U.S. territorial leaders selected to participate in a six-day leadership "boot camp" by the nonpartisan Council of State Governments. Past Henry Toll Fellowship classes have had sessions on leadership personalities, media training and crisis management.

Straight From The Source

"He is everything you'd want in a judge. He is an impressive candidate in terms of his experience and also in terms of his humility ... Most Americans will be impressed when they get to know him, not just because of his experience as a judge, but because of his character."

- Ohio U.S. Sen. Rob Portman, speaking to reporters Tuesday about

Supreme Court nominee Brett Kavanaugh, whom Portman befriended when they worked together in the George W. Bush White House.

One of our aims with Capitol Letter is frequent communication with you, the reader. We value your thoughts and suggestions about the newsletter. What do you think of it? What features do you like? What could we do better? Is there a topic you'd like to see us address? And what time would you like to receive the newsletter? We've been sending it at about 6:15 a.m. Would you like it to arrive earlier? We value your feedback and are committed to making Capitol Letter your essential first read of the morning. Email us at Capitolletter@cleveland.com.

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Sarah LaTourette Kayser <latoursm@gmail.com>

This Week at ALEC, 7/12/18

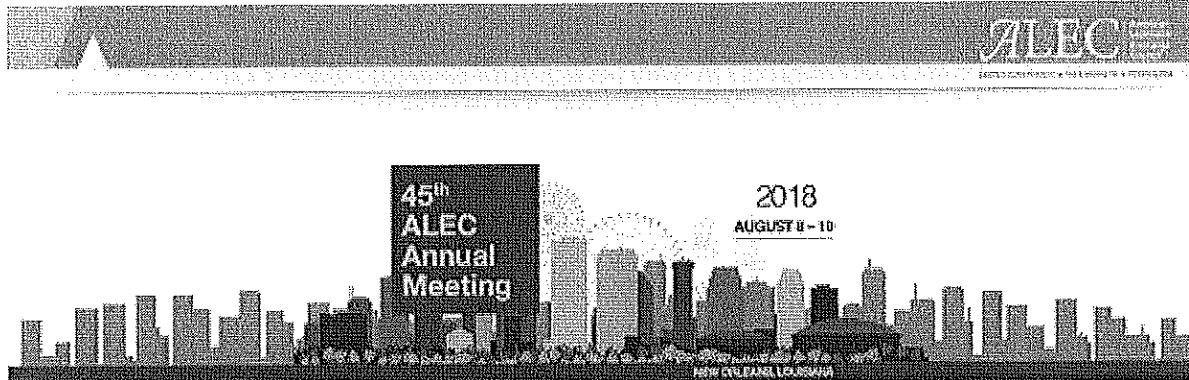
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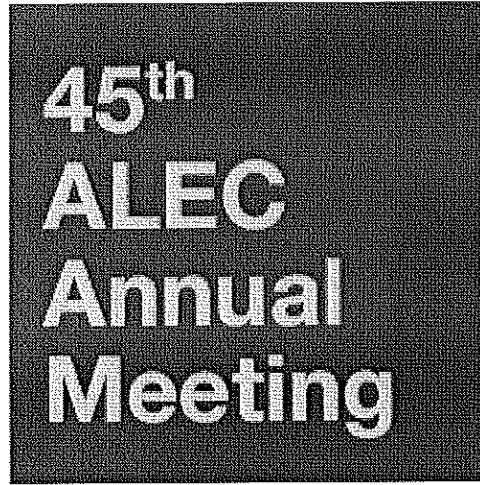


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ALEC 45th Annual Meeting

Draft Model Policy For Annual Meeting Available Online

American Legislative Exchange Council



All draft model policy to be considered at the 45th ALEC Annual Meeting has been posted online for review, to view these draft policies, follow the link below.

Registration is ongoing. Don't miss your opportunity to hear from Secretary of Transportation **Elaine L. Chao** and other top policymakers. To register or learn more about the meeting, follow the link below.

[Register Here](#)

[View Draft Model Policy](#)

Legislator Voices

Untangling Pennsylvania's Finances Requires a Transparent State Government

Representative Seth Grove | PA-196 | [PennLive.com](#)

"Harrisburg has a problem when it comes to money. Our state government is not the



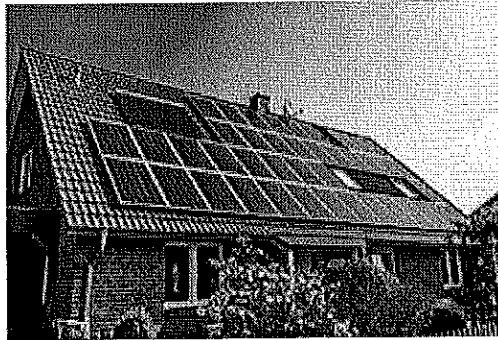
most transparent in the nation...The time has come for Pennsylvania to adopt tried and true reforms to dramatically improve its financial transparency."

[Read Article](#)

Energy Policy

New Hampshire Governor's Veto Helps Majority of Ratepayers

Grant Kidwell and Kevin Kim | Energy, Environment, and Agriculture



The intent behind net metering is not bad. If a household wants to install solar panels or other types of distributed generation, they should do so, but they shouldn't expect to be paid a price so high as to burden consumers who do not want to take part of net metering.

[Read Article](#)

ALEC-FreedomWorks Legislator of the Week

Promoting Fiscal Responsibility in North Carolina

Representative Andy Dulin | NC-104



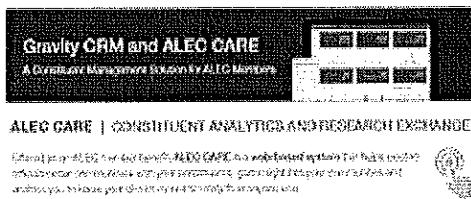
This week, ALEC and Freedomworks introduce **North Carolina Representative Andy Dulin** as this week's Legislator of the Week. Representative Dulin is an avid mountain climber and former Charlotte City Councilman who prioritizes job growth and fiscal responsibility, citing the efficiency of the 2018 North Carolina budget as a model of good governance.

[Read Article](#)

ALEC CARE

Lawmakers: Manage Constituent Relationships from One Simple Platform

What makes your constituents tick? Do you really know the pulse of your community on legislative items? The **Constituent Analytics Research**



Exchange (C.A.R.E.) is your personal online account to help with just that. Not only track incoming issues of concern from constituents in your district but initiate contact by polling them on what matters most. To activate your own account today, get in contact with our C.A.R.E. Associate, Aaron Gillham, at agillham@alec.org.



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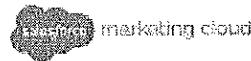
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Sarah LaTourette Kayser <latoursm@gmail.com>

Finding State Solutions at ALEC

1 message

Lisa B. Nelson <lisanelson@alec.org>

To: latoursm@gmail.com

Fri, Jul 13, 2018 at 12:08 PM

To view this email as a web page, go [here](#).



Dear ALEC members,

I recently spent two days at the Ronald Reagan Presidential Library with several past ALEC chairman to film the 45th anniversary video. Hearing stories from ALEC leaders of the 1980s, 1990s and from more recent years illustrated the consistent track record of success and free-market reform that's taken place at the hand of ALEC members. **ALEC is the leading forum for legislator learning.** And, ALEC members are more professional, more collaborative and have a deeper understanding of how sound state policy can help all Americans lead a better life. As we come together in New Orleans next month to celebrate 45 years of ALEC, it's important to remember **ALEC is more than a nonprofit member association.**

At ALEC, **every individual has the opportunity to lead change—to be a real problem solver.** In 1989, the first school choice bill in America was crafted by an ALEC member in Wisconsin. In 1991, after becoming ALEC model policy, 45 bills were introduced across the states—each one by an ALEC member. In more recent years, the same can be said for tax, pension, lawsuit and licensing reform; fighting overcriminalization; increasing business competition and reducing regulation. At nearly every point where state policy meets jobs and the economy, ALEC has and remains a convener and a leader. And, it's not because of ALEC. **It's because of you.**

You know that the most important decisions impacting our nation today are made in the states. In 1991, President Reagan encouraged ALEC members, "The critical questions of our day will be decided by state legislators: how our children are educated, how they are protected from crime, how we safeguard our environment while building a strong and growing economy, how we end the scourge of drugs, how we care for those in need."

The same is true today. States lead the way.

Keep that in mind as you prepare for the ALEC meeting next month. Attending the ALEC meeting is more than traveling to participate in a task force or listen to a panel discussion. **Attending the ALEC meeting is about being on the ground floor of societal change.** It's about offering your energy, enthusiasm and insight and receiving the same in return.

As you know from ALEC meeting recruitment emails, more than 1,000 people have already signed up because we have an exciting agenda including U.S. Secretary of Transportation Elaine L. Chao and U.S. Secretary of Health and Human Services Alex Azar; workshops on school security, American energy dominance, transportation funding, and many others. We'll also have a very interesting, experiential learning opportunity in the form of a free speech dessert reception following the Leadership Dinner, during which attendees will both have fun and leave with a better understanding of what it means to protect donor privacy or deal with college campus speech

codes.

Over the years, I've heard a variety of descriptors for ALEC: ALEC is where the action is. ALEC is where good ideas get going. ALEC is the premier free-market organization for state legislators. While all those things are true, I think the best description is this:

You are ALEC. You make the free market work. And, you invest in one another at ALEC meetings and through other ALEC programing to make your communities and your states better. You are the rising tide that has an uncompromising commitment to limited government, free markets, and federalism.

I'm looking forward to seeing you in New Orleans from July 8 – 10, 2018.

Sincerely,

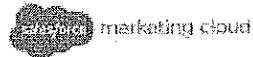
Lisa B. Nelson
Chief Executive Officer



The American Legislative Exchange Council is the largest voluntary organization of conservative state legislators. ALEC works to advance the principles of limited government, free markets, and federalism at the state level.

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provide authorization and conditions for the operation of those programs. (**CONTINUED (See separate story); Informal hearing-Agency testimony**)

Governor's Appointment: The committee recommended full Senate approval of the governor's appointment of Frederick Treuhaft to the Bureau of Workers' Compensation board of directors.

Finance

SB UNCLAIMED FUNDS (Williams, S.) Regarding payment to a registered finder of unclaimed funds.
45 (CONTINUED; 1st Hearing-Sponsor)

Sen. Sandra Williams (D-Cleveland) explained that the bill was introduced at the request of a constituent who assists in the retrieval of unclaimed funds held by the state.

Ohio currently has an estimated \$2.6 billion in unclaimed funds, according to the Department of Commerce Division of Unclaimed Funds.

The bill would help ensure that finders of unclaimed funds who have an approved contract on file at the Department of Commerce receive payment for their services, Sen. Williams said in her testimony.

"Under current law, finders cannot receive more than 10% of a claim and the finder's fee is directly paid to the owner or client instead of the finder. Senate Bill 45 simply requires the director of the budget and management to withhold from an unclaimed funds payment any legal amount in agreement to compensate a registered finder and to pay that amount directly to the finder," Sen. Williams said.

She explained that under the legislation, OBM would issue two checks, one to the funds finder for his or her fee and one to the owner for the balance as opposed to one check to the owner.

Sen. Williams said the bill will create a fair system upholds the government's responsibility to ensure a "favorable business environment" where everyone is paid for their services.

Sen. Williams explained to Sen. Charleta Tavares (D-Columbus) that many people who are notified of their unclaimed funds ask for the assistance of the finder. The state requires a contract for such transactions dictating a negotiated payment from owner to finder that under this legislation the owner would have to adhere to.

In response to the inquiry of Sen. Dave Burke (R-Marysville), Sen. Williams said that there is precedent for the state acting as a mediator for the collection of unclaimed funds and the proposed bill would reestablish the old procedure of doing so.

Sen. Burke asked if the state would receive an administrative fee to compensate for time administered.

Sen. Williams replied that the state would not collect an administrative fee, however the state will continue to keep all accumulated interest on unclaimed funds for its own use.

Governor's Appointments: The committee recommended full Senate confirmation of the governor's appointments of: Gregory Battle and Nancy Kohnen Cahall, Cincinnati State Technical and Community College Board of Trustees; Sandra Drabik Collins, Miami University Board of Trustees; James Doyle, Sharon Evans, and Bradley Phillips, Clark State Community College Board of Trustees; Lynn Stevens, Southern State Community College Board of Trustees; Lewis Adkins, Jr., University of Akron Board of Trustees; Alan Stockmeister, The Ohio State University Board of Trustees; Uwe Eickert and John Hoty, Terra State Community College Board of Trustees; Linda McNew Nelson, North Central State College Board of Trustees; Darryl Mehaffie and Thomas Milligan, Edison State Community College Board of Trustees; Edwin Nagle, III and H. Richard Rowe Jr., Owens State Community College Board of Trustees; Bradley Schwartz, Thomas Shepherd and Ronald Vonderhaar, Financial Planning and Supervision Commission for City of Norwood; Susan Tate, Ohio Higher Educational Facility Commission and Kristy Wilkin, Southern State Community College Board of Trustees

Health, Human Services & Medicaid

SB MONTH DESIGNATION (Beagle, B.) To designate the period beginning March 13 and ending April 15 ~~27~~ as "Ohio Deaf History Month." (**REPORTED**; 2nd Hearing-All testimony-Possible vote)

The committee, which unanimously reported the measure, heard from a handful of deaf Ohioans who testified in favor of recognizing the period between March 12 and ending April 15 as Ohio Deaf History Month.

They signed their support and interpreters translated their messages to the committee. Witnesses were representing the Zanesville Deaf Program Alumni Association and Citizens of Deaf Cultures. Written testimony was also provided by Friends of Libraries for Deaf Action.

Greg Belhorn, whose daughter is deaf, said Deaf History Month could shine a light on her community.

"It's my hope that Ohio Deaf History Month will foster the opportunity for people to learn about deafness and Deaf culture. It is my hope that people can learn, just as my wife and I have, that it is not a thing to be uncomfortable with or pitied," he said.

"It's my hope that regardless of what my daughter chooses to do professionally or personally, people don't look at her and say, 'Isn't that great she can do that even though she's deaf?' He continued. "If people have an understanding of deafness, its history, and its culture then they would know the only thing a deaf person cannot do is hear."

SB AWARENESS DAY (Kunze, S.) To designate the seventeenth day of May as "Diffuse Intrinsic Pontine ~~57~~ Glioma Awareness Day." (**CONTINUED**; 1st Hearing-Sponsor)

Sen. Stephanie Kunze (R-Hilliard) said the bill was proposed by a pharmacist in her district who is familiar with the type of childhood cancer.

"Diffuse intrinsic Pontine Glioma are highly aggressive and difficult to treat brain tumors found at the base of the brain, she said. "DIPG affects the pons portion of the brainstem, rendering nervous system function impossible."

Symptoms include double vision, inability to close the eyelids completely, dropping one side of the face, and difficulty chewing and swallowing. Unfortunately these symptoms usually worsen rapidly because the tumor is rapidly growing," the sponsor continued. "DIPG, for all its difficulties, presents an opportunity for all forms of cancer. It is one of the most resistant of all cancers to chemotherapy treatments and it affects primarily children."

The Centers for Disease Control recently announced that brain tumors have becoming the leading cause of death for children and DIPG is the second most common type of brain tumor found in children, Sen. Kunze said.

"May is Brain Tumor Awareness Month across our country, and having this day of recognition for the deadliest pediatric brain tumor would be a meaningful step for Ohio to take to stand in solidarity with the families who have had to confront this disease," she said.

Governor's Appointments: The committee recommended the confirmations of: Mark Bechtel to the State Medical Board; Jeffrey Hagman to the State Board of Orthotics, Prosthetics and Pedorthics; Heath Hughes to the Ohio Advisory Council for the Aging; Angela King, Carrie Spangler and Helen Mayle to the Board of Speech-Language Pathology and Audiology; Diane Cunningham Redden, Marian Schuda and Denise Shockley to the Ohio Advisory Council for the Aging; and Barbara Sears as director of the Department of Medicaid.

Judiciary

HBCOCAINE OFFENSES (Cupp, R., Rogers, J.) To provide that in determining the amount of cocaine for ~~4~~ trafficking and possession offenses, it also includes a compound, mixture, preparation, or substance containing cocaine, and to declare an emergency. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Robert Cupp (R-Lima) and Rep. John Rogers (D-Mentor-on-the-Lake) briefed lawmakers on the need for the bill, which they said arose after the 2016 Ohio Supreme Court decision in *State v. Gonzales* and a separate decision in *State v. Sanchez*.

The former decision, which has drawn the most attention, found the law requires police are not to consider filler material when determining the amount of cocaine an offender possesses.

Sponsors of this bill and a similar, but not identical, Senate bill (SB 42) said that decision undermines law enforcement's ability to charge high level offenders and is already having an adverse impact on public safety.

In response, the House bill would remove the words "of cocaine" from ORC section 2925, which sponsors said would negate the problem of the Supreme Court's interpretation moving forward.

"As the law now stands, drug dealers and traffickers are incentivized to possess and traffic in larger quantities of cocaine because the penalty would be of no greater consequence if the dealers and traffickers are apprehended with large quantities rather than smaller quantities," Rep. Rogers said. "This is an incentive that must not be left in place."

Rep. Cupp said sponsors do have an amendment they are preparing that would remove the phrase in other areas of Revised Code.

Sen. Michael Skindell (D-Lakewood) and Sen. Cecil Thomas (D-Cincinnati) raised some of the same concerns they've raised in prior testimony on SB 42 - namely that the bill would double down on failed practices that have overloaded Ohio's prisons.

Reps. Cupp and Rogers agreed in theory to some of their colleagues' points, but said that discussion is best left to another time.

"At the present time, I think there is an urgency to repair the law we have," Rep. Cupp said. "This is a time-sensitive issue."

Calling it a "tough issue," Chairman Sen. Kevin Bacon (R-Minerva Park) asked members to alert him to any of their concerns and said he intends to have a committee vote after the measure has received three hearings.

SBDRUG OFFENSES (LaRose, E.) To increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamfetamine to the list of schedule II controlled substances.

(CONTINUED (See separate story); 3rd Hearing-All testimony)

SBAGGRAVATED MURDER (Eklund, J., Williams, S.) To provide that a person convicted of aggravated murder who shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense. **(CONTINUED; 2nd Hearing-Proponent)**

A trio of proponents testified on the bill, including former Ohio Supreme Court Justice Eve Stratton who said the bill "in no way absolves defendants of legal responsibility for their crimes."

Ms. Stratton, who helped draft the bill, said the defendant has the burden of raising the issue of mental illness under the bill, after which a pre-trial hearing would be held in which the defendant has the additional burden of providing evidence to meet serious mental illness criteria.

"The state may then respond with evidence to rebut the defendant's diagnosis and/or the defendant's capacity at the time of the offense," she said. "Only if the trial judge finds that the state refutes the presumption by a preponderance of the evidence, is the defendant eligible for the death penalty. If the trial judge finds that the

state refutes the presumption by a preponderance of the evidence, the defendant may submit the issue to a jury at trial."

She said sponsors and interested parties have tried to work with the Ohio Prosecuting Attorneys Association which is opposed to the bill. But she said they have reached the point that further concessions would reduce the effectiveness of the bill.

Chairman Bacon questioned language that would commute a death sentence, if voided, to a minimum sentence of 30 years. Is that enough, he asked, for a young offender given the potential severity of the crime. Ms. Stratton replied that she'd be fine with such sentences being commuted to an automatic life sentence.

Sen. Matt Huffman (R-Lima) questioned how the bill would handle a situation in which a defendant with a serious mental illness was taking medication to control the illness at the time of the crime.

Ms. Stratton said in her experience defendants rarely take their medication in such instances and sometimes are unable to recognize or admit their illness. If such a case arose, she said, witness testimony would likely be used to argue the medication was or was not effective at managing the illness.

Responding to Sen. Sean O'Brien (D-Hubbard), Ms. Stratton said proponents would be pleased to see the list of five mental illnesses expanded in the bill. She said sponsors stuck to just five illnesses to ease the bill's passage.

"We would love it if you wanted to expand it and add more," she said, "but the edges start getting fuzzy when you start adding categories."

Reginald Wilkinson, former director of the Ohio Department of Rehabilitation and Correction, also testified, describing the disorganized thinking, delusions, paranoia, trouble with logical thinking and other trademark symptoms of those with a serious mental illness.

"I support SB 40 because I saw time and again how people with serious mental illness wind up on death row," Mr. Wilkinson said. "These impairments make them less culpable than someone who does not suffer from serious mental illness; they cannot, therefore, be the true 'worst of the worst' and should not receive the ultimate sentence."

Ohio Justice and Policy Center Executive Director David Singleton testified that competency determinations, the insanity defense, and mitigation do "serve important roles" in the system but that "none of these concepts adequately protect seriously mentally ill defendants from receiving the death penalty and being executed."

"As a result, Senate Bill 40 is essential to ensuring that seriously mentally ill defendants will be punished but will not be given the death penalty," he said.

Mr. Singleton shared a concern expressed by Sen. Peggy Lehner (R-Kettering) that the bill would exclude some relevant illnesses.

But he said those with other illnesses could still raise that subject in mitigation. Although he did acknowledge that juries often misunderstand such illnesses and find them as aggravating rather than mitigating factors when that approach is taken.

SBDRUG OFFENSES (Eklund, J.) To expressly provide that drug offense penalties that refer to a particular 42 type of drug also apply to a compound, mixture, preparation, or substance containing a detectable amount of that drug and to declare an emergency. (**CONTINUED (No testimony)**; 2nd Hearing-Proponent)

SB OFFENDER REGISTRY (Gardner, R., Hite, C.) To require the Attorney General to establish a violent 67 offender registry and to name this act "Sierah's Law." (**CONTINUED**; 1st Hearing-Sponsor)

Sen. Randy Gardner (R-Bowling Green), testifying on behalf of his cosponsor Sen. Cliff Hite (R-Findlay), described the 2016 Fulton County murder of 20-year-old University of Toledo student Sierah Joughin.

In the wake of that murder, he said, more than 10,000 signed an online petition pressing for a violent offender registry to be established. The bill would do just that by requiring the Ohio Attorney General to create a registry by the end of 2017.

The bill "provides some guidance" but does not mandate what felonies would be included or how the registry would be implemented, he said.

"It is likely that the county sheriffs would be primarily responsible for local implementation but that is to be decided by the Attorney General and the General Assembly through the legislative process," Sen. Gardner said.

Only five states currently maintain such registries and all vary in their set up, he said.

"We know we have written this legislation in such a way that provides significant discretion to the attorney general to establish the registry," Sen. Gardner said. "We know too that the legislature may prefer to be more specific in terms of those crimes that would be included."

Sen. Bill Coley (R-Liberty Twp.) questioned whether there is evidence violent offenders often repeat their violent behavior, similar to what is seen of those on the sexual offender registry.

Sen. Gardner said the committee can expect to receive "opinions all over the board" on that issue and others in relation to the bill. Responding to a follow up question from Sen. Coley, Sen. Gardner said the experience in other states with such a registry has been "mixed."

"Generally, those officials in those states have been supportive of the fact they've had that available in their state," he said, noting again that the states vary greatly in which offenses qualify for inclusion on the list.

Sen. Peggy Lehner (R-Kettering) said the sexual offender registry regularly captures people that shouldn't be included. How would that be prevented under this new registry, she asked.

"There is nothing prescribed in this bill that says which offenses, which felonies would be included," Sen. Gardner said, reiterating that that determination would be left to the attorney general.

Sen. Cecil Thomas (D-Cincinnati) said he'd prefer more detail in the bill.

"If we're going to do this it needs to be very specific," he said.

Sen. Gardner, agreeing, said the sponsors simply wanted to put a bill forward in order to start discussion on the topic.

Governor's Appointments: The committee recommended full Senate approval for the appointments of Emily Passias to the Ohio Peace Officer Training Commission and Julie Rutter to the Ethics Commission.

Subscribers Note: For full testimony see the committee's website under Feb. 28.

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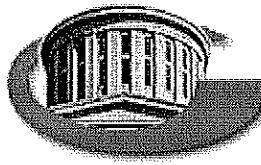
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7/24/2018

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Daily Activity Planner for Wednesday, March 1

Legislative Committees

House Finance: Agriculture, Development & Natural Resources Sub. ([Committee Record](#)) (Chr. Thompson, A., 644-8728), Rm. 018, 9 a.m.

- Budget testimony from Development Services Agency and Expositions Commission

House Finance: Transportation Sub. ([Committee Record](#)) (Chr. McColley, R., 466-3760), Rm. 122, 9 a.m.

- Budget testimony from the Judiciary/Supreme Court, Judicial Conference and the Adjutant General

House Finance: Primary & Secondary Education Sub. ([Committee Record](#)) (Chr. Cupp, R., 466-9624), Rm. 116, 9 a.m.

- LSC school funding presentation

Senate Ways & Means ([Committee Record](#)) (Chr. Eklund, J., 644-7718), South Hearing Rm., 9 a.m.

SB SALES TAX HOLIDAY (Brown, E.) To provide a three-day sales tax "holiday" each April during which **65** sales of qualifying Energy Star products are exempt from sales and use taxes. (1st Hearing-Sponsor)

HB TAX LAWS (Scherer, G.) To expressly incorporate changes in the Internal Revenue Code since February 14, **11** 2016, into Ohio law. (1st Hearing-All testimony-Possible amendments & vote)

SB AGRICULTURAL LAND (Hite, C.) To require that the computation of the capitalization rate for the **36** purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type. (3rd Hearing-All testimony)

Senate Government Oversight & Reform ([Committee Record](#)) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 9:45 a.m.

- Confirmation hearing on governor's appointments of NeCole Cumberland and Rowena Yeager, State Board of Cosmetology

HB CASINO EMPLOYEES (Seitz, B.) To specify that the criminal penalty related to casino operators and **32** employees participating in casino gaming applies at their casino facility or an affiliated casino facility. (1st Hearing-Sponsor)

SB DAY DESIGNATION (Yuko, K.) To designate July 8 as "Harrison Dillard Day." (1st Hearing-Sponsor)

62

SB SET-ASIDE PROGRAMS (Tavares, C.) To require community colleges, state community colleges, **15** technical colleges, and university branches to comply with minority business enterprise set-aside requirements, and to require the Director of Administrative Services to establish guidelines for these entities, and the Northeast Ohio Medical University, to establish procurement goals for contracting with EDGE business enterprises. (1st Hearing-Sponsor)

SJRCONSTITUTIONAL AMENDMENTS (Huffman, M.) Application to the Congress of the United States

1 for a Convention of the States under Article V of the Constitution of the United States that is limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and Members of Congress. (1st Hearing-Sponsor)

SB CAMPAIGN FINANCE (LaRose, F.) To allow certain campaign committees and other entities to file 44 campaign finance statements electronically and to require the Secretary of State to make the information in those electronic statements available online. (2nd Hearing-Proponent)

SB DAY DESIGNATION (Thomas, C.) To designate September 12 as "Jesse Owens Day." (3rd Hearing-All 18 testimony-Possible vote)

House Higher Education & Workforce Development (Committee Record) (Chr. Duffey, M., 644-6030), Rm. 115, 10 a.m.

HB CURSIVE HANDWRITING (Brenner, A., Slaby, M.) To require instruction in cursive handwriting. (1st 58 Hearing-Sponsor)

House Insurance (Committee Record) (Chr. Brinkman, T., 644-6886), Rm. 121, 10 a.m.

HBIC BUDGET (Brinkman, T.) To make appropriations for the Industrial Commission for the biennium 28 beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of Commission programs. (1st Hearing-Industrial Commission testimony only)

HBBWC BUDGET (Brinkman, T.) To make changes to the Workers' Compensation Law, to make 27 appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs. (2nd Hearing-Proponent)

Canceled: **Senate Rules & Reference** (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

House Finance: Health & Human Services Sub. (Committee Record) (Chr. Romanchuk, M., 466-5082), Rm. 313, 12 p.m. or after session

- Budget testimony from Opportunities for Ohioans with Disabilities and Department of Developmental Disabilities

House Session (Committee Record) (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m.

Canceled: **Senate Session** (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

Senate Education (Committee Record) (Chr. Lehner, P., 466-4538), South Hearing Rm., 1:30 p.m.

- Confirmation hearing on governor's appointment of Laura Kohler, State Board of Education

SBSCHOOL TECHNOLOGY & SAFETY (Gardner, R., Terhar, L.) To require the Ohio School Facilities 8 Commission to establish a program assisting school districts in purchasing technology and making physical alterations to improve technology infrastructure and school safety and security. (2nd Hearing-Proponent)

SBSCHOOL OPERATIONS (Schiavoni, J.) Regarding community school operator contracts, the operation of 39 Internet- and computer-based community schools, and performance metrics for blended learning schools. (1st Hearing-Sponsor)

House Finance: State Government & Agency Review Sub. (Committee Record) (Chr. Faber, K., 466-6344), Rm. 122, 2 p.m. or after session

- Budget testimony from Inspector General, Ethics Commission, Elections Commission, CSRAB and public testimony

House Finance: Higher Education Sub. (Committee Record) (Chr. Perales, R., 644-6020), Rm. 018, 2:30 p.m. or after session

- Budget testimony from chancellor of the Ohio Department of Higher Education

Senate Energy & Natural Resources (Committee Record) (Chr. Balderson, T., 466-8076), Finance Hearing Rm., 2:30 p.m.

- Confirmation hearing on William Sipliv, Reclamation Forfeiture Fund Advisory Board

SBSEWAGE SYSTEMS (Eklund, J.) To authorize a board of county commissioners or municipal legislative authority to elect to withdraw the county or municipal corporation from the application of any rule adopted by the Department of Health after January 1, 2014, that governs the design of household sewage treatment systems. (1st Hearing-Sponsor)

SBLAKE ERIE (Skindell, M., Eklund, J.) To authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement. (1st Hearing-Sponsor)

SBDAY DESIGNATION (Skindell, M.) To designate the last Saturday of September as 'Ohio Public Lands Day.' (1st Hearing-Sponsor)

SBENVIRONMENTAL LAWS (Hite, C.) To revise specified laws relating to environmental protection. (3rd Hearing-All testimony)

Agency Calendar

Banking Commission, 77 South High Street, 21st Floor, Columbus, 10 a.m.

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

Graduation Requirements Workgroup, 25 S. Front St., Columbus, 4 p.m.

Event Planner

American Heart Association/American Stroke Association Advocacy Day, Capitol Theatre Lobby, Riffe Center, 77 S. High St., Columbus

Ohio Statehood Day

Rep. Kyle Koehler (R-Springfield) fundraiser, Athletic Club of Columbus, 136 E. Broad Street, Columbus, 8 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Citizens to Elect Kyle Koehler)

2017 Ohio Cable Telecommunications Association legislative luncheon, Columbus Renaissance Hotel, 50 N. Third Street, Columbus, 12 p.m., (Guest Speaker: James Rosen)

Southwest Ohio Advocacy Day Reception, Athletic Club, 136 E. Broad St., Columbus, 3:30 p.m.

Sen. Frank LaRose (R-Hudson) fundraiser, Oracle Townhouse, 27 D. Street South East, Washington, DC, 4 p.m., (\$1,000 Host | \$250 Sponsor | \$50 per person to LaRose for Senate)

~~Canceled: **Speaker Cliff Rosenberger (R-Clarksville) fundraiser**, Capital Club, 41 S. High Street, Columbus, 5 p.m., (Chair: \$2,500; Host: \$1,000; Sponsor: \$500 to Committee to Elect Cliff Rosenberger)~~

Capitol Square Foundation presents "We the People: A Conversation", Statehouse, Columbus, 5:45 p.m., (Event kicks off Enriching the Experience II, an effort to raise \$1.5 million for upgrades of exhibits and technology throughout the Statehouse Museum.)

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Sarah LaTourette Kayser <latoursm@gmail.com>

ALEC CEO Update

1 message

Lisa B. Nelson <lisanelson@alec.org>
 To: latoursm@gmail.com

Tue, Feb 28, 2017 at 7:00 PM

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ALEC CEO Update

March 1, 2017

Dear friends,

While some state legislative sessions near a close, many more are just reaching the midpoint. And in just a few short months most legislatures will *sine die*, having balanced the budget and done their best to preserve economic and individual freedom. Last year alone 81,159 bills and resolutions were introduced in the states and 25,368 were enacted.

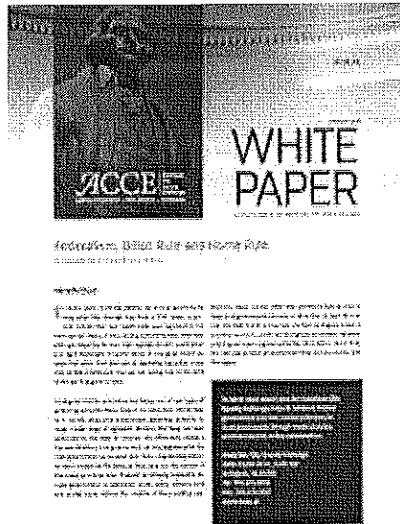
Bills Introduced In The States (2016)	
Type of Bill	Number of Bills
Economics & Public Finance	17,055
Health	16,804
Crime & Law Enforcement	16,154
Education	14,201
Taxation	9,396
View the full report	

State legislators are busy. The sheer volume of bill introductions across the states provides an incredible opportunity for learning. Of the 14,201 education bills introduced, how many offered different, novel approaches to school choice or public school financing? You can ask that same question of any policy category. And that's the point of ALEC. We are the only national organization that brings legislators together to take what's best from state policy and provides a model for the most free-market, most limited government approach to economic and business issues. It's what ALEC does: ALEC provides research, study and analysis to help legislators be effective.



As many of you know, in response to the assault on free speech in the states, ALEC launched the Center to Protect Free Speech at the December meeting. This year, there are countless campaigns to roll back protections for campus and commercial speech as well as the privacy of donors to 501(c)(3) and 501(c)(4) organizations. ALEC will continue to produce an ever-increasing amount of material to help legislators understand that changing landscape and the implications of policy meant to silence speech. Learn more in our introductory video.

If it isn't already, the Dillon Rule vs. Home Rule issue should be on your radar. As conservatives now control 56.4 percent of all state legislative seats, national progressive interests are engaged in an end-run around the states. Organizations interested in national, one-size fits all policy who have failed to push their agendas in the states are going straight to local jurisdictions (even in cases where it is illegal)—think plastic bag bans, Frac bans and other policies that stifle the free market and consumer choice. The American City County



Exchange (ACCE) – the ALEC city, county and municipal affiliate is a well-positioned beach head for free markets in communities. Indeed, it's the only free market network of city, county and municipal officials. If you haven't checked it out or considered membership, please think about how your issues are impacted at the local level and set up a conversation with ACCE director Jon Russell about how we can help.

State legislators and the policies they advance have an immeasurable impact on the daily lives of all Americans. The vast majority of policies are decided and implemented in the states. As members and supporters of the leading state, free-market organization, I want you to deepen your engagement with one another—to share what works and what doesn't. Right now, we have a window of opportunity around limited government, free market policy. The people want opportunity and economic prosperity. The people want change from the status quo. And, ALEC and its members are well positioned to be the change people want to see in these United States.

Sincerely,

Lisa B. Nelson

Chief Executive Officer
American Legislative Exchange Council

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Ohio Media Clips, Wednesday, March 1

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MEDIA CLIPS

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NEWS

U.S. Rep. Tim Ryan won't run for Ohio governor; others from Akron area still mulling race (Akron Beacon Journal, 3/1/2017)

For Trump speech, Ohio senators bring unexpected guests (Cincinnati Enquirer, 3/1/2017)

Mike Pence coming to Cincinnati this week (Cincinnati Enquirer, 3/1/2017)

State auditor: MSD 'structure not workable' (Cincinnati Enquirer, 3/1/2017)

Tim Ryan's out. So who will Dems run for Ohio governor? (Cincinnati Enquirer, 3/1/2017)

Ohio lawmaker: Local governments already skirting state prevailing wage law (Cleveland Plain Dealer, 3/1/2017)

President Trump offers a few hints that could affect Ohio, with details to come later (Cleveland Plain Dealer, 3/1/2017)

President Trump scraps EPA clean water rule opposed by state of Ohio, U.S. Rep. Bob Gibbs (Cleveland Plain Dealer, 3/1/2017)

Tim Ryan won't run for Ohio governor (Cleveland Plain Dealer, 3/1/2017)

Who are the 700,000 Ohioans receiving health insurance under Medicaid expansion? (Cleveland Plain Dealer, 3/1/2017)

Dating violence protection bill passes House with 92-2 vote (Columbus Dispatch, 3/1/2017)

Fewer Ohio kids poor enough to qualify for free school lunches (Columbus Dispatch, 3/1/2017)

GOP, unions to butt heads over prevailing wage (Columbus Dispatch, 3/1/2017)

In selling bill, Ohio senator describes possibly illegal deal (Columbus Dispatch, 3/1/2017)

America first: President promises jobs, security (Toledo Blade, 3/1/2017)

Bill looks to eliminate Ohio mandate on prevailing wages (Toledo Blade, 3/1/2017)

Toledo mayor denounces Ohio tax proposal (Toledo Blade, 3/1/2017)

Trump budget plan draws strong opposition from Republicans (Toledo Blade, 3/1/2017)

U.S. Rep. Tim Ryan won run next year for governor while Ohio Senate Minority Leader Joe Schiavoni will (Youngstown Vindicator, 3/1/2017)

EDITORIALS

Give nuclear credit (Akron Beacon Journal, 3/1/2017)

Editorial: Police always have been life-savers (Columbus Dispatch, 3/1/2017)

Unfathomable and unacceptable (Toledo Blade, 3/1/2017)

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Gmail - Ohio Media Clips, Wednesday, March 1

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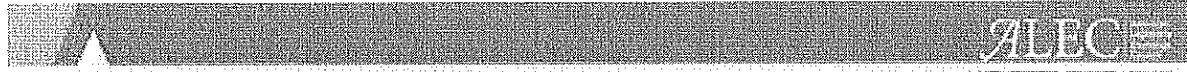
Sarah, Here Are Your Weekly ALEC Updates

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Thu, Mar 2, 2017 at 12:31 PM

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Digital Exchange - March 2, 2017



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Expert Insight

Criminal Justice Policy a Hot Topic at CPAC

ALEC Director, Criminal Justice Reform Task Force | Ronald J. Lampard



At the Conservative Political Action Committee, criminal justice reform was a productive topic of discussion. Panelists Marc Levin of Right on Crime, Pat Nolan of the American Conservative Union, Louisiana State Representative Julie Emerson, and Ronald Lampard of ALEC all spoke of the positive ways conservative groups have been leading criminal justice reform efforts. Click below to find out more.

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Featured ALEC Member

ALEC - FreedomWorks Legislator of the Week

State Representative Yvette Herrell | NM-51



State Representative Yvette Herrell is currently serving her fourth term in the New Mexico House of Representatives in the 51st District. She attended New Mexico State University at Alamogordo, American River College and graduated from the ITT Business School. She has been self-employed for most of her adult life and currently co-owns a successful real estate office.

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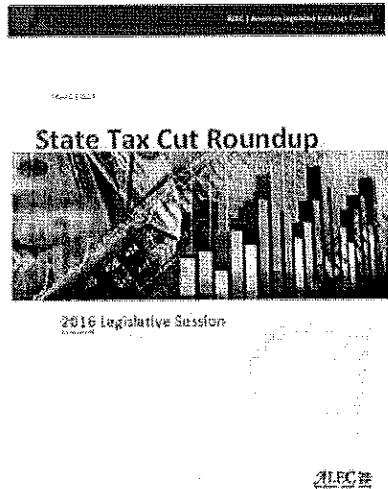


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New Publications

State Tax Cut Roundup: 2016 Legislative Session

Jonathan Williams | Elliot Young | Joel Griffith | Christine Smith



The 2016 legislative session ended with nine states enacting changes to their tax codes sufficient to qualify for the Tax Cut Roundup. Each provided substantial tax relief for their citizens. Pro-growth tax reform was a key theme, as states took steps to both mend budgetary woes and improve their economic competitiveness. *Rich States, Poor States: ALEC - Laffer State Economic Competitiveness Index* illustrates how certain tax and fiscal policies lead states to prosper and others to fall behind. Fortunately, state legislators appear to be heeding this message.

Congratulations to the four "best of the best" tax cut states:

1. Mississippi- Largest tax cut in state history
2. Tennessee- Eliminating the Hall income tax
3. Florida- Providing \$550 million in tax relief
4. New York- Largest personal income tax cuts since the mid-1990s

[Click Here For the Full Publication](#)



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State Factor: Overregulation Threatens Market-Driven Solutions in Dentistry

Health and Human Services | Mia Heck

Access to efficient, affordable healthcare remains a significant challenge in the United States. Americans continue to experience an increase in the cost of care, a trend largely advanced by the

massive expansion of regulation triggered by implementation of the Affordable Care Act (ACA). As a result, many healthcare providers are consolidating services in order to bring down healthcare costs.

[Click Here For the Full Publication](#)



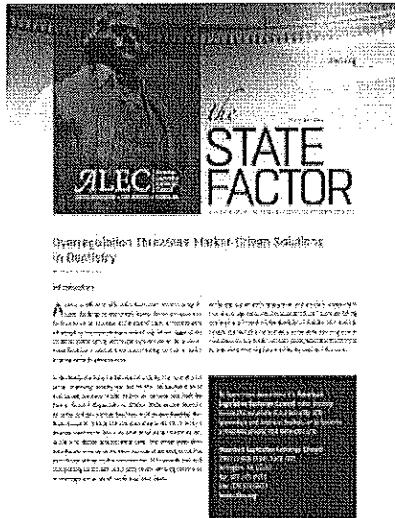
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Special Event Update

ALEC and The Heritage Foundation are pleased to announce their partnership in the creation of a new pension reform working group. This group will bring together top researchers and policymakers to discuss best practices and develop free market solutions to address the pension crisis at all levels of government. It will provide an opportunity for policy leaders in the area of pension reform to share current research and update the group on strategy and activities in the states.

The inaugural meeting will take place at **12:00 PM on Monday, March 6th** at **The Heritage Foundation** (214 Massachusetts Ave NE, Washington, DC). Lunch will be provided. Contact Christine Smith to RSVP.

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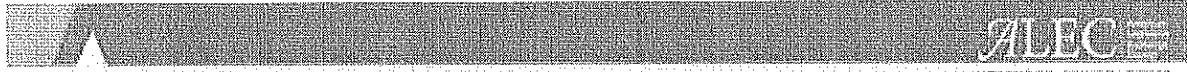
Why the Federal GSA Has No Business Competing With the Private Sector

1 message

Bartlett Cleland <bcleland@alec.org>
To: latoursm@gmail.com

Tue, Mar 7, 2017 at 10:01 AM

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Center for Innovation and Technology



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Over the last couple decades, the steady stream of new information technologies and more general innovations has continued to amaze and delight. With these creations and opportunities appearing broadly in the press and the companies behind them heralded as heroes, one should not be surprised that now technology and the opportunities it delivers are part of the fabric of popular culture. And with technology being overtly interwoven into life, many want to be part of the excitement but sometimes in inappropriate ways.

For example, a government program established by the Obama Administration as part of the General Services Administration (GSA) began with premise that government needed to recruit commercial-sector information technology talent to assist federal government agencies with their major technology challenges, moving commercial information technology employees into federal government jobs. Given a trendy name "18F," after its location at 18th and F Street in Washington, DC, less than three years after its founding, the mission sprawl has begun.

The GSA 18F program is expanding its role by openly and actively soliciting and offering services to state and local governments—including end-to-end state program oversight as a systems integrator, federal procurement assistance and federal agency enablement. But as with most Faustian bargains, there is a catch. This offer is often paired with significant pressure from the federal agencies that are responsible for funding portions of these technology projects to the point where states may feel compelled to work with 18F regardless of whether or not those states feel it is in their best interest to do so.

The GSA should have absolutely no role seeking contract management from states to perform IT responsibilities, using contractors as subcontractors under procedures that reflect nothing near state procurement laws. In addition to 18F's inexperience performing contract management roles, the full risk of state and local technology contract performance normally placed on a contractor now has been moved to an entity that is exempt from cost or performance risk. When a state or local system doesn't work ultimately, who is held liable? Are GSA funds expended to fix whatever issues might be created by 18F? Will the federal government leave states holding the bag?

Although there has been no formal explanation given as to why GSA has pushed itself into the states through 18F, significant financial losses that the program has experienced since its inception may be the reason. Failing to convince the federal government to use its own creation, 18F appears to have now moved on to target the states.

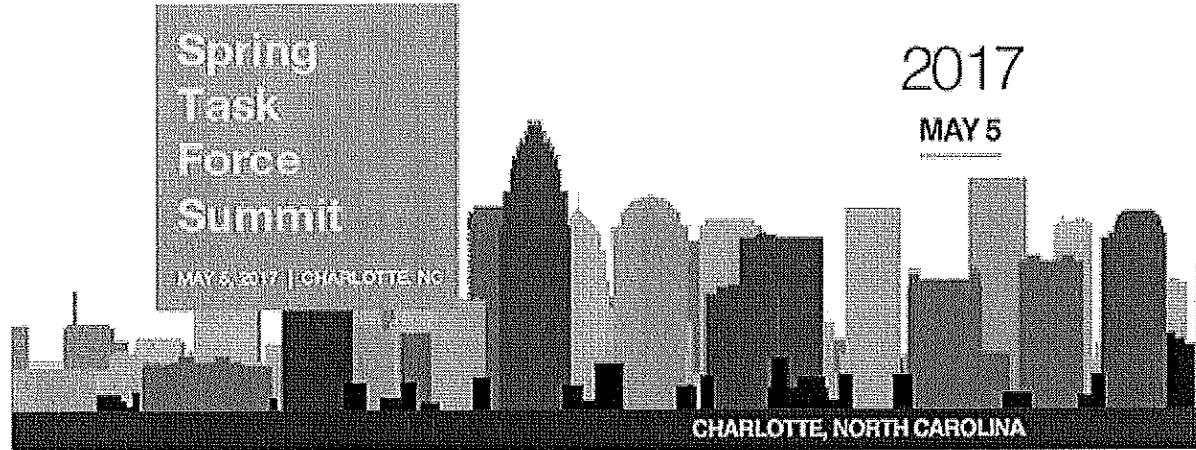
The federal GSA has no business competing with the private sector, and certainly not in the states as a way to cover the losses it has racked up over the past few years assisting federal agencies. This is not to say that government itself should not innovate, but it is to say that government should not deem competing with the free market, violating principles of federalism and expanding government as

innovation.

Sincerely,

Bartlett D. Cleland

Vice President | Center for Innovation and Technology
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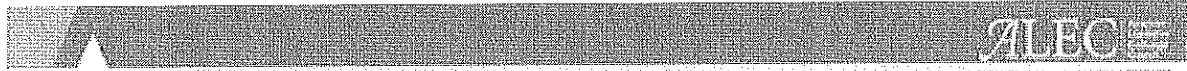
Sarah, Please Join Chair Cathy McMorris Thursday at 3 PM to Discuss Repeal and Replace

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Tue, Mar 7, 2017 at 3:58 PM

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First Look for State Leaders - American Health Care Act



House Republican Conference Chair Cathy McMorris Rodgers invites you to join Members of Congress for a conference call this Thursday, March 9th, at 3:00PM (EST) after the American Health Care Act to repeal and replace Obamacare is marked up. This legislation has many features that will both affect and empower states. Thus, it will be important leaders in the states understand what is in the legislation to bring Medicaid into the 21st century and reinvigorate the individual insurance market. This call will focus on big picture overview and messaging of the bill. This call will be the first in a series of discussions about Obamacare and the role of states.

Speakers: Chair Cathy McMorris Rodgers (WA); Rep. Phil Roe (TN); Rep. Jackie Walorski (IN);
More TBD

When: Thursday, March 9th, 3:00 – 3:30 PM (EST)
Where: RSVP to receive the conference call-in number
Invited: State legislators and state think tank leaders

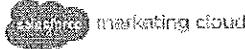
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OHIO REPORT

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OHIO REPORT TUESDAY, MARCH 7

Senate Advances Bills On Protection Orders, Consumer Loans

Higher Ed Leaders: Budget Places 'Undue Burden' On Institutions

Coalition Proposes Budget Changes To Reduce Impacts Of TPP Reimbursement Losses

Municipalities Blast Budget Provisions Centralizing Collections, Eliminating 'Throwback' Rule

Outdoor Advertisers Call For Lower Fees In Transportation Budget

First Responders Push Bill To Expand Protections

Former Congresswoman, State Rep. Sutton Announces For Governor

Affordable Care Act Replacement Proposal Faces Criticism From Both Sides

Agency Briefs: SOTS Ticket Lottery Announced; AG; USDA; ODJFS; State Fair

Gongwer Statehouse Job Market Updated

Supplemental Event Planner

Senate Committee Hearings**Insurance & Financial Institutions****Local Government, Public Safety & Veterans Affairs****Transportation, Commerce & Workforce****Judiciary****Health, Human Services & Medicaid****House Committee Hearings****Financial Institutions, Housing & Urban Development****Finance: Primary & Secondary Education Sub.****Finance: Health & Human Services Sub.****Education & Career Readiness****Ways & Means****Economic Development, Commerce & Labor****Federalism & Interstate Relations****State & Local Government****Finance: Higher Education Sub.****Criminal Justice****Finance: State Government & Agency Review Sub.****ACTIVITY REPORTS****House****Senate****CALENDARS**

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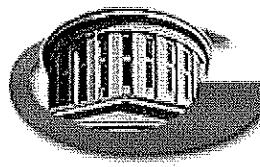
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GONGWER Ohio

The Record of Capitol Square Since 1906

Volume #86, Report #44 -- Tuesday, March 7, 2017

Senate Advances Bills On Protection Orders, Consumer Loans

Subjects of protection orders would no longer be able to avoid being served as a legal defense against violations under legislation that - again - cleared the Senate Tuesday.

The chamber also moved bills to separate regulations for consumer loans in state law (SB 24), recognize Jesse Owens (SB 18) and raise awareness for the deaf community (SB 27).

For Sen. Kevin Bacon's (R-Minerva Park) protection order measure (SB 7), it marked the third time the bill has cleared the chamber and he hopes this time will be the charm. In two prior General Assemblies, the proposal ran into trouble in the House in the form of amendments that were not palatable to the Senate.

In the first instance, the bill was amended in the House Judiciary Committee with language that was problematic for the Senate, the lawmaker said. Last December, his second attempt picked up a House floor amendment that entailed an entire bill on protection orders for dating couples.

Sen. Bacon said in an interview the latter House change, which recently cleared that chamber as separate legislation (HB 1), was too major for the Senate to reach consensus on in lame duck session. However, he said he's spoken to the sponsor, Rep. Emilia Sykes (D-Akron), and will work with her to get the bill passed.

The senator's latest version, which cleared the chamber unanimously Tuesday, follows further incidents in which offenders were able to avoid being served protection orders and ended up committe crimes afterward, he said in a floor speech.

"We have had defendants who have been let off" because of an Ohio Supreme Court ruling on protection orders (*State v. Smith*) that the bill aims to address, he said. That case stemmed from an incident in which a Columbus man was shown, but not formally served with, a protection order before he broke into his victim's house and assaulted her.

"In many cases current law does not allow for prosecution of individuals who intentionally avoid and knowingly violate protection orders," Sen. Bacon said. "This legislation prevents people who knowingly violate protection orders from taking advantage of loopholes in the law."

Senate President Larry Obhof (R-Medina) said after session that he's interested in working with backers of both Sen. Bacon's bill and Rep. Sykes's measure to protect victims of domestic violence.

The sponsor of the consumer loan measure, Sen. Lou Terhar (R-Cincinnati), said it would serve as a prudent update to the state's lending laws by creating a new area of state law specific to installment loan lenders rather than licensing them under the broader Ohio Mortgage Loan Act.

The bill would modernize Ohio's laws and better delineate the statutes regarding consumer loans, he said. It would more accurately reflect the business and eliminate confusions for borrowers, lenders and regulators.

Sen. Terhar said the bill includes clarifications sought by the Department of Commerce. It passed unanimously.

Also clearing the Senate without opposition was a bill from Sen. Cecil Thomas (D-Cincinnati) to designate Sept. 12 as Jesse Owens Day in Ohio, and a measure from Sen. Bill Beagle (R-Tipp City) recognizing the period beginning March 13 and ending April 15 as Ohio Deaf History Month.

The chamber also immediately took up a House resolution (HJR 1) authorizing a joint session in Sandusky on April 4 for Gov. John Kasich's next State of the State Address.

It was adopted on a 29-3 vote, with Sen. Michael Skindell, Sen. Charleta B. Tavares and Thomas opposed.

Higher Ed Leaders: Budget Places 'Undue Burden' On Institutions

Higher education leaders on Tuesday told a House panel that, under the executive budget, institutions will suffer and the state won't move closer to reaching its degree attainment goal.

Budget (HB 49) provisions placing a freeze on tuition and fees, increasing state share of instruction by just 1% each year, and requiring that institutions cover student textbook costs are all areas of concern for university presidents who testified before the Finance Subcommittee on Higher Education.

Bruce Johnson, president of the Inter-University Council, said the spending plan "puts an undue burden on public universities," which have spent the last few years meeting administrative and legislative challenges to reduce student costs and find efficiencies without sacrificing quality.

He recommended an SSI increase of at least 2% per year to keep up with inflation, but suggested that total should increase further if the state wants to reach its goal of 65% of Ohioans holding post-secondary degrees or certificates by 2025. That total is currently at 43%.

"If we're going to have 25% more students graduate from college, we're going to have to make an investment so that that is done at some increased level," he said, opining that a 5% annual increase in SSI could possibly equate to a 5% rise in graduates.

Mr. Johnson also requested the elimination of language requiring institutions to provide students with textbooks.

He described the provision, which would allow institutions to tack on \$300 to tuition to cover costs, as a "several-hundred-million-dollar unfunded mandate that will not serve students well in this state."

The presidents of Kent State University, Ohio State University and the University of Akron who also testified agreed with that sentiment.

UA President Matthew Wilson has estimated the textbook cost to his institution would be at a high of \$13.63 million annually.

Students at Akron have proven to be creative with their textbook purchasing decisions, so adding \$300 to their tuition could cost them more than they'd typically spend on class materials, he said. Research has found that only about half of UA students purchase textbooks.

On the other hand, there are students whose pursuit of highly technical fields would result in the university spending thousands more than the \$300 fee for textbooks, he said.

"Forcing us to provide textbooks, although well intentioned, is short sighted," Mr. Wilson said.

Kent State President Beverly Warren said the state should also consider how much tax revenue it would lose by allowing non-profit institutions, instead of students, to purchase textbooks.

Her institution has estimated it would spend up to \$30 million on textbooks and the state would forego about \$440,000 in tax revenue on them, she said.

Purchasing textbooks would certainly diminish any small gains from SSI, Ms. Warren said, meaning Kent could have to reduce scholarships it's currently offering to students who are at risk of dropping out because of financial struggles.

She said the budget provisions requesting more of institutions without an increase in state dollars, "threatens the advancements and educational quality we have achieved to date through collaboration with the administration and the General Assembly."

To offset some costs, OSU President Michael V. Drake told the subcommittee that he'd be supportive of a proposal allowing institutions that have not hit state caps to raise tuition to that level over the next biennium.

His institution was among those that voluntarily froze tuition in the years before the General Assembly required it, he said.

Mr. Drake and the other witnesses also voiced concern with a proposed freeze on student fees because some are related to educational programs, such as fuel purchased at cost by aviation students.

"Granting public institutions some authority to increase instructional and general fees allows for additional investment in excellence and quality," he said.

The presidents also said they'd welcome additional increases to the Ohio College Opportunity Grant, which remains at about half the funded level it was at before the recession.

"OCOG and SSI together are the things that support our excellence," Mr. Drake said.

Although institutions are proud of the squeezing they've done over the last few years, he questioned whether that trend can continue as long as SSI is essentially flat funded.

"We feel good about that, but now we see inflationary pressures threatening our quality and of course that frightens us," he said.

Mr. Johnson also said that universities have been proud of the work they've done to reduce costs and they'd be happy to take on yet another challenge, possibly related to textbook affordability.

However, he cautioned lawmakers against basing their budget decisions off the idea that higher education costs are "spiraling out of control" in Ohio - something he said isn't true.

Tuition rates rose nationally, on average, by 12% between 2010-15, Mr. Johnson said. In the same time, tuition increased 2% in Ohio.

He pointed to state support for higher education that's about \$1,900 below average as the reason tuition at Ohio institutions has long been at the high end of the national spectrum and remains there.

Chairman Rep. Rick Perales (R-Beavercreek) said he's encouraged by the collaboration that's already taken place in the higher education sector to improve its product for students. He said he's hopeful that can continue throughout the budget process.

"The collaboration that we're seeing here is very special and I think that will help us overcome some of the hurdles we have in front of us," he said.

Subscribers Note: Complete testimony can be found on the subcommittee's website under March 7.

Coalition Proposes Budget Changes To Reduce Impacts Of TPP Reimbursement Losses

School districts negatively impacted by the phase out of tangible personal property tax reimbursements in the biennial budget are proposing a \$190 million fix.

The Coalition for Fiscal Fairness in Ohio on Tuesday continued efforts to hold districts harmless from TPP reimbursement cuts.

It was successful in swaying the House and Senate in crafting the current biennium's spending plan to hold harmless TPP-reliant districts, and the goal this time around is to make that law permanent, the group's President Tim Pickana said.

"As in the past, we firmly believe that the legislature remains our partner in finding workable solutions and/or providing us the necessary tools to help the high percentage TPP loss districts," he told the House Finance Subcommittee on Primary and Secondary Education.

The CFFO plan would put in permanent law a provision that would keep districts at their Fiscal Year 2015 totals from the combination of state aid and TPP reimbursements, Mr. Pickana said. Under the executive budget, there would be about 120 districts in Fiscal Year 2018 that would be receiving less before factoring in the proposed guarantee phase-down.

"Going forward, under the CFFO proposal, the TPP payments would continue to be phased-out, but districts would continue to be held harmless to FY 15 as long as state aid is not increasing enough to offset the TPP reductions," he said.

The change would come at an estimated cost of \$90 million in FY 2018 and \$100 million in FY 2019.

CFFO also suggested including language that would replace TPP reimbursements with capped aid to address districts on the cap that would continue to receive TPP dollars.

That proposal could result in 20 districts being removed from the cap and another 31 would have their TPP reimbursements fully phased-out, Mr. Pickana said. It would come at no additional cost to the state and no district would lose additional funding.

Districts understand the governor's desire to budget conservatively amid concerns of another recession, but it's important that his plan not shift tax burdens further onto home and business owners, Mr. Pickana said.

"What we're asking is just please don't drive that stake any further," he said, pointing to Commercial Activity Tax and TPP revenues that have been diverted from schools.

Chairman Rep. Bob Cupp (R-Lima) said "there is no question" that districts are struggling financially as a result of tax decisions made in previous General Assemblies and an economic downturn, but he said it's unlikely the state can come up with \$190 million to help.

"I'm just not sure where that money is going to come from. I don't foresee that coming through," he said. "In the meantime, we'll figure out what we can do as best we can."

Sycamore Community School District Treasurer Beth Weber and Strongsville City Schools Superintendent Cameron Ryba told the subcommittee that if their TPP reimbursements aren't continued, they'll likely have to make cuts or put off expanding programs and improving facilities. ([CFFO Funding Estimates](#))

"Based on the decision of our legislature, solely focused on the TPP elimination, our deficit in FY 21 is currently negative \$13.5 million. Yet, if the TPP reimbursement and supplement dollars were reinstated, our deficit would be reduced to a more manageable negative \$2.1 million," Mr. Ryba said.

He said the district would like to provide free all-day kindergarten and continue providing on-site College Credit Plus courses, Advanced Placement exams and gifted services "above and beyond" state requirements. However, none of that would be likely to occur if the budget is passed as-is.

Ms. Weber said Sycamore taxpayers have been supportive of levies, which could help offset any losses. But officials are worried voters won't be so generous in the future, especially as a levy campaign would have to spell

out that dollars they're sending to the state aren't always coming back to their district.

"They're near the end of their good will," she said.

There are 155 fixed-sum reimbursement districts where residents won't get to choose whether their taxes increase to cover TPP losses, however, said CFFO's Mike Sobul. Their reimbursements total nearly \$40 million annually.

Most districts would see rate increases of less than 1 mill, but there is a handful where there would be an increase of 4 mills or more, he said.

To soften the blow for taxpayers in those districts, CFFO is proposing that reimbursements be phased out more slowly in fixed-sum districts that will be most negatively impacted and more quickly in districts that won't be as greatly affected.

"In addition to protecting taxpayers in the most impacted areas, the CFFO proposal would reduce the overall dollar amount of fixed-sum reimbursements paid by the state over the next biennium by an estimated \$27 million," Mr. Sobul said.

Those paying taxes to the St. Bernard Elmwood Place City School District will see a disproportionate increase compared to others on fixed-sum reimbursements, according to CFFO estimates. They'd have to pay an additional 13 mills to cover the losses of a five-year phase out that's currently in place.

District Treasurer Emily Hauser also urged support for the group's plan, saying that a wholesale elimination would greatly affect taxpayers whose median adjusted gross incomes are about \$28,000 annually.

She added that the district is among the poorest 15% of districts in the state and 83% of its students are living in poverty.

"An increase of 13 mills will result in an additional \$340 of taxes annually on a \$75,000 home once the phase-out is complete," Ms. Hauser said. "The taxpayers simply cannot afford an increase of such magnitude."

Under the CFFO plan, the current five-year phase out would be replaced with a tiered approach, Mr. Sobul said. In FY 18-19, reimbursements would decline by an equivalent of three-quarters of a mill of tax revenue each year.

By the time the original phase-out date of 2020 comes around, fixed sum reimbursements would be eliminated in all but about 10 districts and no taxpayers would see millage increases of more than 2 mills, he said.

Those continuing to receive reimbursement dollars beyond 2020 would continue to do so through 2023, Mr. Sobul explained. At that time, there would be another round of phase outs over the next three years where, once again, taxpayers would not see an increased tax rate of more than 2 mills.

The reimbursements continuing after 2026 would remain for Fiscal Years 2027-2029, when another three-year phase-down would take place to ensure residents aren't paying increases over 2 mills, he said.

Municipalities Blast Budget Provisions Centralizing Collections, Eliminating 'Throwback' Rule

A pair of witnesses told a House panel Tuesday that tax changes in Gov. John Kasich's proposed budget are "on a whole excellent."

But once again, in a repeat of last week's hearing before House Ways & Means Committee, opponents showed up in force to criticize the budget (HB 49), saying some provisions will drive down local revenue and strip local control over how those dollars are spent.

More than 20 opponents delivered in-person testimony - the majority of them mayors and other municipal leaders who criticized budget proposals they said will harm local communities.

Speaking in support of the budget was retired Ohio University Professor Richard Vedder. Megan Durst of the Ohio Society of CPAs backed some tax-related changes, but opposed changes related to sales and use taxes.

An array of groups, mostly opponents, also submitted written testimony.

Mr. Vedder said the governor and his staff should be commended for a "responsible budget that addresses Ohio's greatest single problem: inadequate rates of growth in income and output, and, with that, jobs and economic opportunity."

He said he would prefer an overall reduction in tax revenues greater than the aggregate cut proposed, with funding provided via spending cuts, and said the state's "sluggish" economic growth is its largest challenge. But he praised the administration for its proposed income tax cut and the desire to downsize the number of tax brackets.

The proposed hikes to tobacco and alcohol taxes, he said, would mitigate negative spillover effects from excessive smoking and drinking. And a proposed oil and gas severance tax increase would have a "minimal" economic impact on the industry and generate significant income for the state, he argued.

"The governor's proposed tax increases are both restrained and reasonable and the revenues provided will help fund desperately needed reductions in our destructive, excessively high, income tax," Mr. Vedder said. "The adverse economic effects of their imposition are small relative to the potential gains to the Ohio economy from lowering income taxes."

But the majority of the testimony centered on municipal provisions, such as mandating centralized municipal income tax collections through the Ohio Business Gateway and eliminating a throwback rule that determines the amount of a business's net profits attributable to a local municipality.

Ohio Municipal League Executive Director Kent Scarrett said the budget proposals would grant the tax commissioner the sole authority to administer and enforce the municipal net profit tax and prescribe related forms and rules without input from municipalities.

"This 'power-grab' by the state and equally alarming 'money-grab' would strip the ability of municipal officials from over 600 cities and villages the ability to manage approximately 15% of their general operating budgets or \$600 million annually of municipal taxpayer dollars, instead surrendering this revenue to the state, for its management and promises of return," Mr. Scarrett said.

Beyond that, opponents repeatedly argued that the online OBG does not have the current capacity to adequately serve all of Ohio's filers should its use become mandatory.

By further eliminating the "throwback" provision for business net profit filings, Mr. Scarrett continued, the budget would cost communities significant lost revenue. Similar language, he said, was removed from a previous bill several years ago (HB5, 130th General Assembly) for that very reason.

Among those also testifying against the measure were mayors or representatives from Athens, Hamilton, Oakwood, Farmersville, Centerville, Sidney, Mason, Kettering, Dayton, Gambier, Dublin, Troy, St. Bernard, Cleveland and Cincinnati.

They said that contrary to the state's claims, a proposal to charge cities 1% to collect Business Income Taxes would cost rather than save cities money.

Toledo, for example has a total cost of 1.3% for all business, individual and withholding tax collections, Mayor Paula Hicks-Hudson said. "Thus, the proposal would cost Toledo an additional 1%," she argued.

The Ohio Service Industry Coalition, which represents a number of major business organizations, also delivered a letter to the committee Tuesday opposing what it called the bill's "tax shifting" provisions.

"Reducing and simplifying Ohio's state income tax is a worthy goal, but we oppose raising the state sales tax rate and extending state and local sales taxes to services not already taxed under Ohio law," the groups said. "Higher sales tax rates and new taxes on targeted services will slow sales, hurt the state's competitiveness, and raise costs for individual and business consumers."

The Tax Foundation and the Ohio Chamber of Commerce testified as interested parties, with the foundation praising language to unify collections as a way to "reduce the compliance burden."

OCOC Director of Tax and Economic Policy Jeff McClain welcomed the elimination of the throwback, which he said discourages economic development. Still, the chamber advises against funding an income tax cut through tax-shifting, he said.

"While we appreciate the effort to continue driving down the personal income tax rate, we don't believe that it should be accomplished by shifting over \$1.2 billion dollars of new taxes onto the business community," Mr. McClain said. "Consequently, the Ohio Chamber cannot agree with the fundamental premise of the plan and therefore cannot support it."

Outdoor Advertisers Call For Lower Fees In Transportation Budget

The leader of the Outdoor Advertising Association of Ohio on Tuesday called on the Department of Transportation to reduce permit renewal fees.

Greg Churilla, president of the group, asked members of the Senate Transportation, Commerce, & Workforce Committee to amend the biennial transportation budget ([HB 26](#)) to reduce the fees if ODOT does not act voluntarily. ([Redbook](#))

Mr. Churilla told the panel that ODOT's Advertising Device Control fund is set to have an account balance of about \$600,000 at the end of the current fiscal year.

He said if current renewal rates are not changed, the fund is expected to generate about \$1.2 million in revenue.

"It seems reasonable that with such a significant fund balance in the program, it should be the businesses paying their renewal fees who will benefit from this surplus," he said. "We are hopeful that ODOT will heed our request for fee reductions, but if not, we would ask the Senate for an amendment that would require ODOT to refund the surplus that will be carried over into FY 2018 -2019 to permit holders of record the prior two years."

Woody Woodward, executive director of the Ohio Parks and Recreation Association, also called for changes to the bill. He asked the panel to increase the amount of the Motor Fuel Tax that is earmarked to build and repair roadways within metropolitan park districts.

He said the budget bill earmarks \$2.2 million each year for that purpose. However, Mr. Woodward noted that the level of funding has remained the same since the 2005-06 budget cycle.

Since that time, he said, the average number of road miles in metropolitan parks has increased by 27% while the average cost of paving those roadways has increased by 19%.

Due to that increase, Mr. Woodward said his group is asking lawmakers to increase the funding for the Metropolitan Park District Road Improvement fund to \$2.56 million per year.

"Ohio's metropolitan park districts include many of the most visited recreational facilities in the state, and those visitor numbers are only increasing," he said. "Our members contribute much to the quality of life in our state. This increase to a relatively small line item in the ODOT budget will help ensure that those parks are accessible to all who seek to visit them."

Others, however, were more complimentary of the spending outline. Art Arnold of the Ohio Railroad Association spoke highly of the Ohio Rail Development Commission's budget within the bill.

"Specific to the bill before this committee, the ORDC's continuing efforts to improve public safety deserve special recognition," he said.

"Those nearly 150 projects improved the warnings for drivers approaching highway-rail grade crossings. Ohio continues to make improvements in devices, signage, and technology at grade crossings, and over the past decade, the state has seen crash numbers drop from well over 100 per year to less than 80 in 2015."

Mr. Arnold also praised the ORDC's funding for rail infrastructure improvements and expansions, saying it has been instrumental in creating jobs.

"The ORDC's efforts to enhance, create and retain jobs through investments in rail infrastructure is a tremendous story," he said.

In the previous biennium, Mr. Arnold said, nearly 28,000 jobs were positively impacted by that investment.

"The public dollars (total \$8.7 million) leveraged another \$322.3 million, for a return on their investment of \$37 for every \$1 committed by the ORDC," he said. "Those were two very strong years, but the ORDC has consistently produced such returns on the funds provided by the General Assembly."

Bryant Thomas, manager of government relations at Norfolk Southern Corporation, also expressed support for the ORDC's budget.

"ORDC plays an integral role in this business development," he said. "ORDC, by partnering with the railroad, JobsOhio, businesses and local economic development authorities, helps facilitate a strong pro-business environment and helps enable major job creation and retention. ORDC's achievements in this area have been a resounding success by any measure."

Mr. Thomas told the panel that during Fiscal Year 2015 and FY 2016, ORDC provided grant and/or loan assistance to 39 economic development projects.

First Responders Push Bill To Expand Protections

First responders on Tuesday lined up to support legislation that would make them and members of the military protected classes under state law and allow for tougher sentences when they are knowingly attacked.

Proponents of the bill ([HB 382](#)) told members of the House Criminal Justice Committee that it will provide a deterrent to attacks on first responders at a time when it appears as though they are being targeted more often.

"What I have seen over the past few years is that more and more people are beginning to kill cops simply because they are cops. Things are different now and they're changing more rapidly by the day. We are at a place in American history where police are viewed with suspicion, disdain and sometimes even hatred. I don't know how exactly we got here, but we are here nonetheless," Marissa Gibson, a detective with the Morrow County Sheriff's Office whose husband was killed in the line of duty, told members of the panel.

Ms. Gibson went on to tell the panel that in 2016, 64 police officers were shot and killed across the country, 24 of them in ambush-style attacks.

Under the legislation, the offense of aggravated murder would be expanded to include purposefully causing the death of a first responder or military member when the victim was engaged in official duties or the offender's purpose was to kill a first responder or military member.

The bill also increases the penalty for felonious assault against a first responder or military member from a second-degree felony, absent any specification, to a first-degree felony. If the offender knew or had reasonable

cause to know the victim's profession he or she would be required to serve a mandatory sentence of three to 11 years in prison, which would be served consecutively to any prison term imposed for offenses committed at the same time.

Frank Bova, chief community and safety officer for Cuyahoga County, told the panel that enhanced penalties could serve as an effective deterrent.

"Law enforcement officers, first responders and our military members while performing their duties should be protected from being the targets and have the peace of mind to know the legislators and citizens are protecting them, this bill assists in adding another layer of protection," he said.

Scott Maynor, president of the Northern Ohio Fire Fighters, also provided testimony in support of the bill, leading Rep. Bill Seitz (R-Cincinnati) to question whether an assailant who attacked a firefighter for having a long-standing affair with his wife would be covered under the legislation.

Mr. Maynor said he was unsure.

Rep. Seitz said the language in the measure may need to be tightened up to ensure that is not the case.

Matt Noble, sergeant-at-arms of the Ohio Fire Chiefs' Association, said firefighters have been under attack recently, including a case in Youngstown in which a fire truck was fired upon.

"There have been incidents across the United States where firefighters and EMTs have been shot, shot at and held hostage while performing their duties," he said. "Ohio is no different. We recently saw a situation occur in Youngstown last December where shots were fired at a firetruck, striking one firefighter in the leg. Two others were lucky to just have bullets rip through their jackets and miss everything else."

The panel also heard testimony from family members of first responders. Angela McDowell, the widow of Whitehall police officer Terry McDowell, who was shot and killed in the line of duty in 2001, said there have been 831 police officer deaths in the line of duty in Ohio over the years.

"While the country as a whole has been faced with our first responders being targets for senseless acts of brutality, it is time to take a stand and do the best we can to insure that tougher penalties are in place for those whose disregard for the law comes with a price," she said.

Louisiana recently passed a similar law that covers only first responders. Similar measures are under consideration in New York, Missouri and Kentucky.

Former Congresswoman, State Rep. Sutton Announces For Governor

Betty Sutton, a former member of the U.S. House of Representatives and Ohio House of Representatives, announced Tuesday she is running for governor in 2018.

Ms. Sutton, an Akron-area Democrat, said she intends to focus on job creation and building opportunities for working families.

"It's time for a change of priorities in Ohio and to focus on creating jobs and opportunities for working families rather than just giving tax breaks to the most privileged," she said in a statement.

"Ohio deserves a governor who does more than just shake the tired hands of workers who have been forced to labor too long for too little, but actually fights to help them. Ohio needs a governor who will hear the weary voices of committed teachers striving to meet more and more demands with fewer resources and who will respond to the educational needs of Ohio's children."



Betty Sutton

"I recognize Ohio's potential and appreciate the strength of our diversity. From our farmers to our manufacturers, from teachers to trade workers, from small business owners to civil servants, from working parents, in or out of the home, to those who care for our kids and elderly, I will be a Governor who understands that everyone matters," Ms. Sutton said.

She enters a Democratic race that already includes Sen. Minority Leader Joe Schiavoni of Boardman. Other Democrats could also enter the campaign.

On the Republican side, Lt. Gov. Mary Taylor has created a gubernatorial campaign committee. Others are expected to also enter the race.

Ms. Sutton ([campaign website](#)) was elected to Barberton City Council while she was in law school, and was later elected to the Summit County Council and Ohio House. In 2006, she was elected to the U.S. House, where she served three terms.

In 2013, former President Barack Obama appointed her to serve as administrator of the Saint Lawrence Seaway Development Corporation, where she led U.S. operations of the waterway.

Affordable Care Act Replacement Proposal Faces Criticism From Both Sides

Reaction on both sides of the aisle has been tepid to the U.S. House Republican plan to replace the Affordable Care Act.

The proposal, called the "American Health Care Act" by supporters and "Trumpcare" by detractors, would keep some provisions of the Obamacare law much maligned by Republicans in control in Washington, D.C. and change others.

The plan calls for age-based tax credits in lieu of the ACA's income-based subsidies, and would phase out the Medicaid expansion by 2020. Expansion beneficiaries at that point would be able to stay enrolled, but would be ineligible if they drop out of the program for 30 days.

It would also change the current Medicaid program to one in which states receive capped payments based on the number of Medicaid enrollees they have.

The plan has not been analyzed by the Congressional Budget Office, so cost and coverage estimates are not available.

U.S. Rep. Pat Tiberi (R-Galena), the chairman of the House Ways and Means Subcommittee on Health, expressed support for the plan.

"The American Health Care Act is our plan to repeal Obamacare and replace it with a 21st Century system that gives people better access to quality and affordable health care," he said. "It contains specific reforms to provide relief from Obamacare's taxes and mandates, and gives patients the tools they need to be in charge of their own care, like increased access to health savings accounts and tax credits to help individuals and families purchase the care they need."

"Our legislation contains the ideas and priorities we outlined eight months ago," he added. "We are moving forward with our deliberate and transparent approach to bring real health care solutions to the American people."

Not all Republicans are jumping on board with the plan. U.S. Rep. Jim Jordan (R-Urbana), a former chairman of the conservative House Freedom Caucus, told POLITICO that the bill is "Obamacare by a different form."

U.S. Sen. Rob Portman (R-Terrace Park) and four other Senate Republicans sent a letter Monday to Senate Majority Mitch McConnell outlining concerns that an earlier draft proposal from the House did not adequately protect the Medicaid expansion, something they said has been important in fighting the drug problem.

"While we support efforts to repeal and replace the Affordable Care Act and make structural reforms to the Medicaid program, we are concerned that the February 10th draft proposal from the House of Representatives does not provide stability and certainty for individuals and families in Medicaid expansion programs or the necessary flexibility for states," the senators wrote.

[U.S. Sen. Sherrod Brown](#) (D-Cleveland), meanwhile, attacked the plan as one that would drive up health care prices and reduce access to coverage.

"Ohioans have called my office terrified of losing their healthcare because of this plan. We cannot allow Washington politicians who get taxpayer-funded health insurance to rip coverage away from Ohioans who are battling cancer, getting regular checkups for the first time, or finally getting treatment to beat their opioid addiction," he said in a statement.

"This plan will raise prices for Ohioans - particularly older Ohioans - and kick people off of the coverage they have today," he added. "It will threaten jobs across our state by cutting funding for local hospitals that employ hundreds of thousands of Ohioans. This plan does nothing to lower healthcare costs for Ohioans, but hands a huge tax break to drug companies and insurance executives who jack up their prices."

UHCAN Ohio said the proposal would help the rich and hurt the poor. The per-capita caps to Medicaid would shift costs to the state, hurting state budgets and forcing cuts in the program, the group said. The bill also allows companies to charge higher premiums, raising out-of-pocket costs for consumers, the group said.

"This proposal takes health coverage from the poor and gives money to the rich," Executive Director Steve Wagner said in a statement. "Americans have asked their Republican members of Congress not to destroy the gains made by the ACA. Instead of listening, Republicans have proposed a bill that would strip away coverage and make care more expensive for millions of the most vulnerable Americans while cutting taxes for the wealthiest."

Agency Briefs: SOTS Ticket Lottery Announced; AG; USDA; ODJFS; State Fair

Governor John Kasich on Tuesday announced that those interested in attending the 2017 State of the State address in Sandusky on April 4 can submit their names online at governor.ohio.gov to be eligible for a random ticket lottery.

Ohioans can enter the lottery through noon March 24 and can request up to two tickets. Selected individuals will be notified by email by March 29.

Attorney General: Mike DeWine [announced](#) a settlement with the operator of Teens With Dreams and organization that engaged in door-to-door solicitation by kids.

The investigation found little evidence to suggest that charitable programming occurred, and that the money collected went to Darnell Robinson, the organization's founder, the AG reported.

According to the investigation, Teens With Dreams did not have 501(c)(3) status with the IRS, did not properly register with the Ohio Attorney General's Office, nor did it properly track charitable funds.

In the settlement, Mr. Robinson agreed to dissolve the organization and to never again engage in nonprofit activity in Ohio.

U.S. Department of Agriculture: The Risk Management Agency reminds Illinois, Indiana, Michigan and Ohio producers that the final date to apply for insurance coverage on spring barley, burley tobacco, cabbage, corn, cucumbers, dry beans, forage seeding, grain sorghum, green peas, hybrid seed corn, oats, popcorn, potatoes, processing beans, processing pumpkins, processing sweet corn, processing tomatoes, soybeans, and sugar beets is March 15th.

Farmers interested in purchasing the Whole Farm Revenue Protection for 2017 also need to do so by March 15. More information about this product can be found on the [RMA website](#).

Job and Family Services: The January 2017 Civilian Labor Force Estimates are now available at <http://ohiolmi.com/laus/current.htm>. The February 2017 substate estimates will be released on Tuesday, March 28, 2017.

Ohio State Fair: The Ohio State Fair announced its concert series for 2017. All concerts will be held at the indoor, air-conditioned WCOL Celeste Center.

See the Ohio State Fair's [website](#) for concert series information.

Gongwer Statehouse Job Market Updated

Gongwer's Statehouse Job Market has been updated. The update is available on the [Gongwer website](#).

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to gongwer@gongwer-oh.com.

Supplemental Event Planner

Wednesday, March 8

Sen. Bill Coley (R-Liberty Township) news conference on bill regarding welfare benefit fraud, Harding Senate Press Rm., Statehouse, Columbus, 12 p.m.

Thursday, April 27

Rep. Ron Young (R-LeRoy Township) fundraiser, Athletic Club of Columbus, 136 E. Broad Street, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Friends of Ron Young)

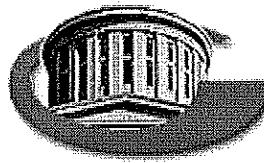
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Daily Activity Planner for Wednesday, March 8

Legislative Committees

House Finance: Agriculture, Development & Natural Resources Sub. ([Committee Record](#)) (Chr. Thompson, A., 644-8728), Rm. 018, 9 a.m.

- Budget testimony from Department of Commerce and Department of Agriculture

House Finance: Transportation Sub. ([Committee Record](#)) (Chr. McColley, R., 466-3760), Rm. 121, 9 a.m.

- Budget testimony from Department of Public Safety and Public Works Commission

House Finance: Primary & Secondary Education Sub. ([Committee Record](#)) (Chr. Cupp, R., 466-9624), Rm. 121, 9 a.m.

- Biennial budget hearing featuring OEA, OFT, Ohio 8, Ohio Alliance for High Quality Education, OSBA, BASA, OASBO and Ohio Education Policy Institute

Senate Ways & Means ([Committee Record](#)) (Chr. Eklund, J., 644-7718), South Hearing Rm., 9 a.m.

HB TAX LAWS (Scherer, G.) To expressly incorporate changes in the Internal Revenue Code since February 14, 11 2016, into Ohio law. (2nd Hearing-All testimony-Possible vote)

SB AGRICULTURAL LAND (Hite, C.) To require that the computation of the capitalization rate for the 36 purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation 37 and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type. (4th Hearing-Opponent & interested party)

Senate Government Oversight & Reform ([Committee Record](#)) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 9:45 a.m.

SB PRIMARY ELECTIONS (LaRose, F.) To expand the circumstances under which a board of elections or 10 the secretary of state is not required to hold a primary election. (3rd Hearing-All testimony-Possible amendments & vote)

SB CAMPAIGN FINANCE (LaRose, F.) To allow certain campaign committees and other entities to file 44 campaign finance statements electronically and to require the Secretary of State to make the information in those electronic statements available online. (3rd Hearing-All testimony)

HB CASINO EMPLOYEES (Seitz, B.) To specify that the criminal penalty related to casino operators and 32 employees participating in casino gaming applies at their casino facility or an affiliated casino facility. (2nd Hearing-Proponent)

SB SUMMER FOOD PROGRAMS (Brown, E., Lehner, P.) To require school districts to allow approved 54 summer food service program sponsors to use school facilities to provide food service for summer intervention services under certain conditions. (2nd Hearing-Proponent)

SB DAY DESIGNATION (Yuko, K.) To designate July 8 as "Harrison Dillard Day." (2nd Hearing-Proponent)

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SJR CONSTITUTIONAL AMENDMENTS ([Huffman, M.](#)) Application to the Congress of the United States **1** for a Convention of the States under Article V of the Constitution of the United States that is limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and Members of Congress. (2nd Hearing-Proponent)

House Financial Institutions, Housing & Urban Development ([Committee Record](#)) (Chr. [Dever, J.](#), 466-8120), Rm. 122, 10 a.m.

- Presentations by Ohio Housing Council and Coalition on Homelessness & Housing in Ohio

HB BANKING LAW ([Hughes, J.](#)) For the purpose of enacting a new banking law for the State of Ohio. (3rd **35** Hearing-All testimony-Possible amendments & vote)

House Insurance ([Committee Record](#)) (Chr. [Brinkman, T.](#), 644-6886), Rm. 017, 10 a.m.

HBBWC BUDGET ([Brinkman, T.](#)) To make changes to the Workers' Compensation Law, to make **27** appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and **28** ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs. (3rd Hearing-All testimony)

HBIC BUDGET ([Brinkman, T.](#)) To make appropriations for the Industrial Commission for the biennium **28** beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the **29** operation of Commission programs. (2nd Hearing-All testimony)

Senate Transportation, Commerce & Workforce ([Committee Record](#)) (Chr. [LaRose, F.](#), 466-4823), South Hearing Rm., 10:15 a.m.

HB TRANSPORTATION BUDGET ([McColley, R.](#)) To make appropriations for programs related to **26** transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to **27** provide authorization and conditions for the operation of those programs. (3rd Hearing-All testimony-Pending referral)

Canceled: **House Higher Education & Workforce Development** ([Committee Record](#)) (Chr. [Duffey, M.](#), 644-6030), Rm. 115, 11 a.m.

- Presentations from the Legislative Service Commission regarding Higher Education and Workforce Development

Canceled: **Senate Rules & Reference** ([Committee Record](#)) (Chr. [Obhof, L.](#), 466-7505), Majority Conf. Rm., 11 a.m.

House Session ([Committee Record](#)) (Chr. [Rosenberger, C.](#), 466-3357), House Chamber, 1:30 p.m.

Senate Session ([Committee Record](#)) (Chr. [Obhof, L.](#), 466-4900), Senate Chamber, 1:30 p.m.

House Finance: State Government & Agency Review Sub. ([Committee Record](#)) (Chr. [Faber, K.](#), 466-6344), Rm. 017, 2 p.m. or after session

- Budget testimony from Occupational, Physical Therapy and Athletic Trainers Board, Counselor, Social Worker & Marriage and Family Therapist Board, Psychology Board, Orthotics, Prosthetics, and Pedorthics Board and public testimony

House Finance: Higher Education Sub. ([Committee Record](#)) (Chr. [Perales, R.](#), 644-6020), Rm. 311, 2:30 p.m. or after session

- Biennial budget hearing featuring Association of Independent Colleges and Universities of Ohio

Senate Energy & Natural Resources ([Committee Record](#)) (Chr. Balderson, T., 466-8076), Finance Hearing Rm., 2:30 p.m. or after session

SB ENVIRONMENTAL LAWS (Hite, C.) To revise specified laws relating to environmental protection. (4th 2 Hearing-All testimony-Possible vote)

House Finance: Health & Human Services Sub. ([Committee Record](#)) (Chr. Romanchuk, M., 466-5082), Rm. 313, 3 p.m. or after session

- Biennial budget hearing featuring Barbara Sears, Director of Medicaid

Senate Education ([Committee Record](#)) (Chr. Lehner, P., 466-4538), South Hearing Rm., 3:15 p.m.

SB ACADEMIC YEAR (Manning, G.) To generally require public and chartered nonpublic schools to open 34 for instruction after Labor Day. (2nd Hearing-Proponent)

House Armed Services, Veterans Affairs & Homeland Security ([Committee Record](#)) (Chr. Johnson, T., 466-2124), Rm. 116, 4 p.m. or after session

HB PROFESSIONAL LICENSES (Gavarone, T., Merrin, D.) To establish an expedited process to grant a 75 professional license to an individual who is on active duty as a member of the armed forces of the United States, or is the spouse of such an individual, and holds a valid license in another state. (1st Hearing-Sponsor)

House Civil Justice ([Committee Record](#)) (Chr. Butler, J., 644-6008), Rm. 018, 4 p.m.

HB MEDICAL PROVIDER IMMUNITY (Cupp, R.) To grant qualified civil immunity to certain medical 7 providers who provide emergency medical services as a result of a disaster; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to provide that medical bills itemizing charges are inadmissible as evidence and an amount accepted as full payment for medical services is admissible as evidence of the reasonableness of the charges; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to require that governmental agencies that receive peer review committee records maintain their confidentiality; and to clarify the definition of "medical claim." (3rd Hearing-Opponent)

HB DEED SOLICITATION (Rezabek, J.) To regulate the solicitation of certain deeds. (2nd Hearing-52 Proponent)

House Community & Family Advancement ([Committee Record](#)) (Chr. Ginter, T., 466-8022), Rm. 114, 4 p.m.

HB EBT CARDS (Schaffer, T.) To establish requirements for electronic benefit transfer cards issued under the 50 Supplemental Nutrition Assistance Program. (1st Hearing-Sponsor)
Agency Calendar

State Medical Board, 3rd Fl., 30 E. Broad St., Columbus, 8 a.m. (The morning committee meetings will be followed by the full board meeting at 9:45 a.m.)

Veterinary Medical Licensing Board, 77 S. High St., Rm. 1914, Columbus, 8:30 a.m.

Real Estate Commission, 22nd Fl., 77 S. High St., Columbus, 9 a.m.